

Thomas McCann, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, \$24.

John McGaughey, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$30.

Martha L. Brown, widow of John B. Brown, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, \$12.

William Potter, late of U. S. S. *Ohio* and *Montgomery*, United States Navy, \$24.

Thomas Farrell, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, \$30.

Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards, \$30.

Ferdinand C. Porée, late second lieutenant Company C, Thirtieth Regiment Massachusetts Volunteer Infantry, \$24.

Joseph Rigby, late of Company E, Fifth Regiment, and Company K, Seventh Regiment, Delaware Volunteer Infantry, \$12.

Elton M. Durfey, late of Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, \$30.

Charles H. Orr, late of Company G, One hundred and eighty-fourth Regiment New York Volunteer Infantry, \$30.

William H. Hoffman, late of Company D, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, \$24.

Vinney Streets, widow of William Streets, alias Willis Miller, late of Company K, Twelfth Regiment U. S. Colored Volunteer Heavy Artillery, \$12.

Eliza Jane Ellis, widow of George Ellis, late of Company H, One hundred and fourteenth Regiment U. S. Colored Volunteer Infantry, \$12.

Rosetta E. Arnold, widow of Smith D. Arnold, late of Thirtieth unattached company, Massachusetts Volunteer Heavy Artillery, \$20.

Emma J. Thomas, widow of William H. Thomas, late second lieutenant Company I, and first lieutenant and adjutant, Fifth Regiment Ohio Volunteer Infantry, \$20.

Elias W. Bowman, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, \$36.

Emma C. Swift, widow of Daniel D. Swift, late assistant surgeon One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and surgeon Sixth Regiment Pennsylvania Volunteer Cavalry, \$25.

John L. Brady, late of Company C, and first lieutenant Company E, First Regiment Delaware Volunteer Infantry, \$30.

Lizzie Lynch, widow of Edward Lynch, late sergeant-major Second Regiment U. S. Infantry, second lieutenant Company I, First Regiment Veteran Reserve Corps, and captain, Eighth Regiment U. S. Infantry, \$30.

Sarah A. Clark, widow of Andrew J. Clark, late of Company I, Third Regiment Minnesota Volunteer Infantry, \$20.

John W. Dunahey, late of Company E, Second Regiment Kentucky Volunteer Cavalry, \$30.

Elizabeth B. Hughes, widow of William B. Hughes, late colonel and assistant quartermaster-general, United States Army, \$40.

Henry S. Tillotson, late of Company E, Seventh Regiment Vermont Volunteer Infantry, \$30.

John Preman, late of Company A, Fourteenth Regiment U. S. Infantry, \$30.

Asa Hayes, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, \$30.

William D. Wallace, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, \$30.

George M. Teachout, late of Company H, One hundred and eleventh Regiment New York Volunteer Infantry, \$30.

Malinda E. Church, widow of Josiah W. Church, late major, First Regiment Michigan Volunteer Light Artillery, \$12.

Nancy Crowther, dependent mother of Charles A. Watkins, late of Company E, First Regiment U. S. Volunteer Sharpshooters, \$12.

Howell Atwater, late captain Company E, First Regiment Connecticut Volunteer Cavalry, \$30.

Mr. McCUMBER. In line 25, on page 11, before the word "dollars," I move to strike out "twelve" and insert in lieu thereof the word "twenty," so as to read:

The name of Marie Sinclair Russell, widow of Henry B. Williams, late captain Company F, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war

and to certain widows and dependent and helpless relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

Jay B. Sessions, late of Company I, Thirty-seventh Regiment U. S. Volunteer Infantry, war with Spain, \$30.

John Sexton, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, \$12.

Winslow H. Reaves, late second lieutenant, Artillery Corps, U. S. Army, \$50.

Marianna C. Rockwell, widow of Charles H. Rockwell, late rear-admiral, United States Navy, \$40.

Samuel H. Askew, late first lieutenant Company A, Second Regiment Georgia Volunteer Infantry, war with Spain, \$50.

William G. Glasgow, late of Company C, Second Regiment Nebraska Volunteer Infantry, war with Spain, \$20.

Culbert King, alias Culbert-Kenney, late of Captain Standage's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, \$16.

Flora R. Turner, widow of Thomas J. Turner, late medical director, United States Navy, \$30.

Agnes L. Miller, widow of James M. Miller, late rear-admiral, United States Navy, \$50.

John A. Browne, late of Thirty-sixth and Fourth Companies, U. S. Coast Artillery, \$30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 26072) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Pension Calendar up to to-day.

Mr. McCUMBER. I believe that is all, Mr. President.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 24, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 23, 1909.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we thank Thee from our heart of hearts for the safe return of our naval fleet from its long voyage around the world. And we most fervently pray that it may serve to strengthen the ties of friendship and brotherly love between us and the nations at whose ports it touched; that the time may speedily come when these grim defenders of our rights and liberties shall be no longer needed, and that all state, national, and international problems shall be settled by the saner methods of arbitration; that Thy kingdom may come and Thy will be done on earth as it is in heaven. Amen.

The Journal of yesterday's proceedings was read and approved.

PANAMA CANAL.

Mr. CLARK of Florida. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. To a question of the highest privilege, Mr. Speaker. I desire to ask if the Clerk will read the resolution which I send to the desk.

The SPEAKER. The gentleman from Florida claims the floor on a question of the highest privilege.

Mr. CLARK of Florida. Mr. Speaker, I ask that the Clerk will read the resolution which I send to the desk.

The Clerk read as follows:

Whereas on the 26th day of January, A. D. 1909, this House of Representatives being there in session at the Capitol, and having under consideration in Committee of the Whole House on the state of the Union H. R. 26305, in "general debate," the Hon. HENRY T. RAINEY, a Representative in the Congress of the United States from the State of Illinois, then and there delivered from his place on the floor of the House an address in which he discussed the manner in which the Government of the United States acquired rights on the Isthmus of Panama, with relation to the proposed canal across said Isthmus; the manner of consummating the contract for the purchase of the canal property; the conduct of certain persons, official and nonofficial, connected therewith; and the general subject of the acquirement, construc-

tion, and management of the said Panama Canal, as well as the acts and doings of the said persons in and about the same; and

Whereas on the 29th day of January, A. D. 1909, in the open session of the House of Representatives, the same being in Committee of the Whole House on the state of the Union, and having under consideration in "general debate" H. R. 26915, the said Hon. HENRY T. RAINEY, a Representative as aforesaid, again further addressed the House in Committee of the Whole as stated, on the subject aforesaid, and in continuation of his address so delivered as aforesaid on the said 26th day of January, A. D. 1909; and

Whereas on the 9th day of February, A. D. 1909, the Hon. Robert Bacon, Secretary of State of the United States, caused to be composed, written, printed, and published in certain and numerous newspapers, which are published in the city of Washington and elsewhere throughout the United States, and which are of general circulation in the United States and elsewhere, as well as making the same by filing therein a part of the permanent records of the State Department of the United States, a certain document alleged to be in reply to a communication said to have been received by him, the said Hon. Robert Bacon, Secretary of State as aforesaid, and to have been written by some official of the Government of the Republic of Panama, taking exception to and complaining of the said addresses of the said Hon. HENRY T. RAINEY, a Representative as aforesaid, in behalf of his Government, the said Republic of Panama, and which said document so composed and published by the said Hon. Robert Bacon, Secretary of State as aforesaid, as the same was published and appeared in the Washington Post, a daily newspaper published at the city of Washington, D. C., in its issue of the 10th day of February, A. D. 1909, and which said newspaper has and enjoys a wide circulation throughout the United States, was and is as follows, viz:

"SIR: The President directs me to say in answer to your communication of February 9, 1909, that the remarks complained of were made in the House of Representatives. Under our Constitution we have, for what we regard as wise reasons, provided that for any speech or debate in either House they (the Senators and Representatives) shall not be questioned in any other place.

"This provision we regard as essential to secure full liberty of speech to the elected representatives of the people; and we feel that such liberty of speech should be preserved even though it may occasionally be abused.

"It ought to be understood that the utterances of individual Members are not to be taken as expressing the views either of the Government of the United States or the House in which such remarks are made. As regards the statement in question made by Representative RAINEY, the President attached so little importance to him that he had not even read them until your protest came. He has now read them, and none of them concerning which he has knowledge have any foundation in fact.

"The President wishes me to recall to your attention that the attack was made even more upon Americans, including the President-elect, than upon the officials of Panama. The President need hardly say that this Government disavows all responsibility for the remarks of Representative RAINEY, to which you refer.

"Accept, sir, the renewed assurance of my high consideration.

"ROBERT BACON."

Now, therefore, be it resolved:

First. That the matter of the said communication of the said the Hon. Robert Bacon, Secretary of State of the United States, to the said official of the Government of the Republic of Panama and all matters connected therewith, be, and the same is hereby, referred to the Committee on the Judiciary of the House of Representatives for the careful consideration of the said committee to determine:

(1) If the said communication of the said Hon. Robert Bacon, Secretary of State as aforesaid, constitutes a breach of the privileges of a Member of the House and of the House, violating either in letter or spirit section 6 of Article I of the Constitution of the United States, wherein it is provided that a Representative in Congress "shall not be questioned in any other place" for "any speech or debate" in the House.

(2) If there has been such violation, what remedy, if any, exists.

(3) If there has been such violation and it is found that no remedy exists, to suggest some plan to prevent such violations and to punish them in the future.

Second. That the said Committee on the Judiciary make full report herein to the House of Representatives within five days from the reference to said committee of this resolution.

Mr. CLARK of Florida. Mr. Speaker, I ask—

Mr. PAYNE. How does this matter come before the House?

The SPEAKER. It comes before the House on an alleged question of highest privilege.

Mr. OVERSTREET. I make the point of order against it.

Mr. PAYNE. I move that it be laid on the table.

Mr. CLARK of Florida. I have been on my feet all the time. I offered—

The SPEAKER. Precisely.

Mr. CLARK of Florida. I offered the resolution, and I want to address myself to it for a few moments.

The SPEAKER. Precisely. The gentleman from Indiana makes the point of order, and the Chair will ascertain what the point of order is.

Mr. CLARK of Florida. Then I want to address myself to the point of order.

The SPEAKER. That is in the discretion of the Chair, after the gentleman has made it, if the Chair desires to hear any argument on the point of order. But the Chair must first ascertain what the point of order is. The Chair is not advised.

Mr. CLARK of Florida. Very well.

Mr. OVERSTREET. I make the point of order that the resolution is not of the privileged character indicated by the gentleman.

Mr. EDWARDS of Georgia. I make the point of order that we can not hear.

The SPEAKER. The House will be in order. The gentleman from Indiana will state his point of order.

Mr. OVERSTREET. I make the point of order that the reading of the paper at the Clerk's desk does not disclose that degree of privilege which would entitle the gentleman to bring the subject-matter before the House as one of the highest privilege. I do not think that a quotation from a newspaper would be sufficient to justify this House in recognizing that as of a sufficient degree of privilege to warrant this House in sending it to any committee of the House or to make the character of investigation which the gentleman undoubtedly has intended to pursue.

Mr. COCKRAN. Will the gentleman give way to a question?

Mr. OVERSTREET. Yes, sir.

Mr. COCKRAN. Do I understand the gentleman to question the privileged character of the resolution?

Mr. OVERSTREET. I do.

Mr. COCKRAN. On account of its being based on a quotation from a newspaper?

Mr. OVERSTREET. Oh, no.

Mr. COCKRAN. Pardon me until I conclude. Or does he question the right to challenge by resolution as a breach of our privileges the fact that the Secretary of State by direction of the President has undertaken to characterize the action of a Member of the House?

Mr. OVERSTREET. I did not intend to discuss the facts. I think that a sufficient answer is that as it is presented it is deprived of its privilege. I think that the entire paper as filed does not disclose a question of privilege.

Mr. COCKRAN. Just a word. Do you claim it is not a privileged matter to question the right of an executive officer to debate in correspondence with a foreign government what is said in this House, or do you make the point of order that this particular resolution now before the House is lacking in proof of the subject-matter about which it seeks to have action taken?

The SPEAKER. The Chair is prepared to rule. But if the gentleman desires to speak upon the point of order—

Mr. CLARK of Florida. I would like to have a moment or two, Mr. Speaker. I shall not take up the time of the House. I am in no condition—

The SPEAKER. The Chair will hear the gentleman for a moment on the point of order.

Mr. CLARK of Florida. I trust the Chair will let us have order, because my voice is in such condition that I can not afford to strain it.

I want to call the attention of the Speaker to section 6 of Article I of the Constitution:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Now, then, Mr. Speaker, this House has passed upon this question at various times; and if the Chair will bear with me for just a moment, and I want to assure the Chair that my sole object—I can not be heard, Mr. Speaker, in this confusion.

The SPEAKER. The House will be in order. Gentlemen will please be seated and cease conversation. The gentleman from Florida.

Mr. CLARK of Florida. As I was saying, my sole object is to have the House placed where the privileges of its own membership may be preserved inviolate and its dignity maintained. There has been so much said about this affair, and so many attacks made upon Members on account of debates had and speeches made here, that it occurred to me this matter ought to go to the Judiciary Committee, in order for that committee to investigate the subject and make a report; and if there is no rule regulating such affairs as this, that some rule may be prescribed, after the House is put in possession of the facts and can intelligently make and prescribe a proper rule. With this object in view, I looked up the authorities to ascertain whether or not it is a privileged matter; and I want to call the Speaker's attention to one or two decisions here.

Here is a case from volume 17 of the Congressional Globe, beginning on page 1068, a case where the Commissioner of Indian Affairs wrote a letter calling in question some remarks made by a Member upon the floor in debate. That matter was called to the attention of the House and was thoroughly discussed. Mr. Woodward, a Member of Congress, speaking to the resolution, said that—

His intention was to express his view of the conduct of the Commissioner of Indian Affairs in sending to this body an insulting and offensive communication.

The communication is too long to read, and I will print it in the Record, but it simply called in question the remarks made by the Member, and there was no insulting language in it, in

the commonly accepted sense of that term. Quoting further from Mr. Woodward:

It appeared to him that everything was tending to the humiliation and debasement of the legislative branch of the Government.

Prophetic! What a picture he painted of the present! He continues:

If a similar communication had been addressed to the executive branch, or even to one of its subordinate departments—the War or the State Department—it would have been regarded as an outrage. He (Mr. Woodward) would have so considered it. And he did not hesitate to declare that he would vote to dismiss from office any officer of this House who, in his official position, should be guilty of such an act. Should the Clerk of this House, the Sergeant-at-Arms, or any other subordinate take it on himself to address the President in the language which one of his subordinates has presumed to throw into our face this morning, there is not a Member on this side of the House who would not demand his dismissal from office. And he (Mr. Woodward) would readily accede to the demand.

Now, that was the character of the discussion. The resolution not to receive this communication would undoubtedly have been adopted had not the offensive communication of the Commissioner of Indian Affairs been withdrawn by Mr. Fries, who had presented it.

In the further discussion of this same case, on page 1070 of the Congressional Globe, Mr. Thompson, addressing the House, said:

When an individual Member of this House thought proper to attack an individual out of the House, this House as a House could know nothing of it. It was a matter for the two individuals to settle between themselves. But the man feeling himself aggrieved had no more right to send into this House a paper applying abusive epithets to the Member than he had to insult the Speaker for having signed a bill which might not be entirely consistent with his own private opinions.

Now, Mr. Speaker, if he had no right to do that, then I ask, Has a subordinate officer of this Government or a superior officer of this Government, in the executive branch or in the judicial branch, a right to send broadcast all over the world, publish in all the newspapers in the land, file in the archives of a department of the Government, there to remain as long as the Government itself stands, an attack on a Member of this House for what he may have said in debate on this floor? That is exactly what that resolution states has been done; and further, this Member [Mr. RAINEY] is denounced as having uttered an untruth in debate; is so denounced by the Secretary of State, at the direction of the President, and is so denounced in an official communication to the representative of a quasi-foreign power.

I submit, Mr. Speaker, that it is one of the gravest breaches of the privileges of this House. It is a breach of the privileges of the Member, and it is an indignity to the House itself; and it occurs to me that the time has come when this House, if it desires to have the respect of other branches of the Government and of the world, should begin to assert itself along the lines of maintaining its dignity.

I have nothing to say as to the merits of this controversy. I know nothing about it, and care less; but I do say that this provision of the Constitution is a wise one—wise because it is a guaranty that here in this Hall, where the representatives of a free people meet to deal with the most sacred rights of a great people, there shall be the freest of debate on all questions, with no fear of molestation, no matter how powerful may be the persons or interests whose conduct may be criticised. Outside people, even though they do belong to another branch of the Government, ought not to be permitted to engage in debate—and it is engaging in debate to all practical intents and purposes—with Members upon this floor. The outsider has no oath as a lawmaker to observe, no responsibility rests upon him, and he is answerable to no constituency.

I feel, Mr. Speaker, that I have done my duty in submitting the resolution asking that the Judiciary Committee, the law committee of this House, take this matter and everything connected with it under advisement and report to the House if anything should be done; and I respectfully submit that the calling in question of the truthfulness of a Member on account of his official acts, the denunciation of the Member as a falsifier for words spoken by him in debate, and the characterization of him to a foreign official as so unimportant (in his representative capacity) that the President of the United States has not seen fit to read what he said—if that is not a breach of the privileges of that Member, and is not an indignity and an insult to this House, then I think it would be hard to frame language that would carry a breach of the privileges of the Member or an insult to the House; and I submit that the resolution is in order. [Applause on the Democratic side.]

Under the permission given me to extend my remarks in the Record on the point of order made by the gentleman from Indiana [Mr. OVERSTREET] I shall print some few precedents which I conceive to be in point, and shall make a few further observations of my own.

The case involving a discussion of the letter of the Hon. W. Medill, Commissioner of Indian Affairs, is found in volume 17 of the Congressional Globe, Thirtieth Congress, first session, beginning on page 1068 and ending on page 1070, and is as follows:

Mr. Fries presented a letter from Mr. Medill, Commissioner of Indian Affairs, in reply to a speech made by Mr. Clingman two or three days since, in which he expressed his belief that there was gross corruption in the Bureau of Indian Affairs. The letter from Mr. Medill denied that there was any corruption in his office, and charged Mr. Clingman with having made false and unfounded assertions, and asked that a committee might be instituted to inquire into the charges.

Said communication was read, and is as follows:

To the honorable the House of Representatives of the United States:

During the debate which took place in the House of Representatives on an amendment made by the Senate to the civil and diplomatic bill, allowing to David Taylor the sum of \$12,800 for a certain reservation claimed by him under the treaties of 1817 and 1835 with the Cherokees, as reported in the National Intelligencer of this morning, I find the following, viz:

"Mr. Clingman supported the claim, and took occasion to warn the committee against any opposition which might have been made to it by Mr. Medill, the Commissioner of Indian Affairs, who, he understood, had endeavored to prejudice the claim, because the agents of the claimant peremptorily refused to make an allowance for his favoring the claim. Mr. C. denounced the Indian bureau as thoroughly corrupt. He had been credibly informed that the books in that bureau had been altered and falsified for corrupt purposes (though this, he believed, had been done during the incumbency of Mr. Crawford, the predecessor of the present commissioner). He had no confidence in Mr. Medill, nor would he believe any statement he should make. An application had been made to the department to have the books taken out of his office and deposited in some place where they would be safe from alterations."

It is seldom that a public officer is justified in noticing attacks of this kind; but the above charges are of so grave and specific a character, and so seriously reflect, not only upon myself, personally and officially, but upon the administration of the whole of that branch of the public service intrusted to my charge, that a different course on this occasion seems to be called for. If true, I should be driven from the office I now hold with ignominy and disgrace, to become an object of scorn and contempt to all upright and honest men; and proper legislation should be had at the earliest period to punish such abuses and prevent their recurrence. If untrue and without any foundation, it is due to every principle of justice and common fairness that the fact should be authoritatively ascertained and published to the world, that neither myself nor the office may rest under imputations so injurious, and which I unqualifiedly and indignantly pronounce to be wholly and basely false in each and every particular.

I beg leave to state the following facts and circumstances for the consideration of your honorable body. The claim of Mr. Taylor, who is a white man married to a Cherokee woman, never came before the Office of Indian Affairs for its action. That office had nothing to do with the claim, and could and did take no cognizance of it. Like others under the treaty of 1835 with the Cherokees, it was to be adjudicated and settled, as required by the seventeenth article of that treaty, by commissioners appointed by the President and Senate. Four different boards of commissioners were appointed and organized under that article, which sat for the transaction of business—in all, about five and a half years. Mr. Taylor's claim, in one shape or another, was before the whole of them. By the first board he was allowed \$1,518—being the amount which he had paid to the State of Tennessee under a law of that State—with interest thereon, to obtain a fee-simple title; in addition to which he claims the value of the reservation as unimproved land. This has not been allowed by either of the boards of commissioners. The second board declared the claim "res adjudicata—not considered by present commissioners." The third board decided that Mr. Taylor had no right to the claim, whatever interest there was remaining being in his Indian wife and her children, the reservation having been taken in right of the wife under the treaties of 1817 and 1819 with the Cherokees. So far as he himself was concerned, the action of this board was adverse; but the question of the interest of the wife and children was left open for consideration on such evidence as might be produced in support thereof. So it stood until the organization of the fourth board, by which it was simply dismissed, without any formal or specific action upon its merits.

When the amendments of the Senate making an appropriation for this claim, and for certain claims of the Creek Indians, were under consideration by the Committee of Ways and Means of the House of Representatives, I was summoned by that committee to give information respecting these claims. I accordingly appeared before the committee and gave such information as it was in my power to furnish, which was almost exclusively of record, and derived from the official records and papers I had taken with me and submitted to the committee. And I have yet to learn that the committee discovered the slightest evidence or trace of any alteration or falsification, by myself or anyone in my office, of these records and papers. This was the only occasion on which I have ever been called upon to take any part in relation to this claim; and I am sure the Committee of Ways and Means will bear testimony that I made no effort to prejudice them against the claim further than the statement of the facts from the records, which it was my duty to give to them. Where, then, can there be any grounds for the base, wanton, and malicious charges against me in reference to it? I can trace them to no other cause than disappointed pecuniary expectations, as it is generally understood that Mr. Taylor has been in the habit of making promises of liberal rewards to those whom he believed could aid him in obtaining the amount of his claim.

I consider it not out of place, and I respectfully ask the permission of your honorable body, to advert to the position of the honorable gentleman, who made the charges quoted, in another case recently before you; and, in view of the facts and circumstances connected therewith, it is hoped that he will join in the application now made, or at least not oppose it.

It will be recollected that the Senate made an amendment to the bill making appropriations for the Indian Department by which a large amount was to be paid to certain Cherokee Indians in North Carolina from the Treasury of the United States. I was summoned before the Committee of Ways and Means to furnish information respecting this case, when the honorable gentleman also appeared as an advocate or attorney and strongly supported the claim as it passed the Senate. The committee and the House saw proper to disagree to the Senate's amend-

ment, and made an important alteration therein, which might seriously have affected the interests of the Indians, or rather of the white speculators interested in the claim. Yet, notwithstanding the peculiar position occupied by the honorable gentleman, as stated above—which, however, could not have been known to the honorable Speaker of the House of Representatives—he became one of the committee of conference on the disagreeing votes of the two Houses of Congress on this same claim. Notwithstanding this remarkable circumstance, and the honorable gentleman's peculiarly zealous advocacy of Mr. Taylor's claim, it is hoped he will not be adverse to others endeavoring to vindicate themselves from unjust aspersions. Indeed, the gentleman's own position was so peculiar and delicate a one that it was to have been expected that instead of rising in his place and making gratuitous and calumnious charges against others, he would, if he really believed there were good grounds for those charges, have moved for a committee of investigation, of which, by the usages of your honorable body, he would have been the chairman, by which course he could have ascertained the truth without bringing into question his own singular and extraordinary position. Not having done so, and having pursued the wanton and unjust course he did, devolve upon me the duty of making this application. Wherefore I respectfully pray that your honorable body immediately appoint a committee with full and ample power and authority to require books and papers, to examine witnesses, and to investigate fully, not only the foregoing charges against myself and the office and department of Indian Affairs, but any others that may be brought to the knowledge of the committee; and likewise all the facts and circumstances respecting or in any way connected with the two claims adverted to, of Mr. Taylor and the Cherokee Indians of North Carolina, and their advocacy before the commissioners under the treaty of 1835 and the committees and Houses of Congress.

I invite the most rigid scrutiny into the affairs of the office intrusted to my charge, as well as into my personal acts in any way directly or indirectly connected with the public service. And I can not but think that that spirit of magnanimity and sense of justice, which it is the duty of every American citizen to attribute to your honorable body, will at once prompt you to accede to this application, necessary as the same is with reference to the preservation of the purity and respectability of the public service, and called for as it is by justice to the character and standing of a man grossly and unjustly assailed in your honorable body, where, unless permitted by you, he has not the right to appear and defend himself.

W. MEDILL,
Commissioner of Indian Affairs.

OFFICE OF INDIAN AFFAIRS, Washington, August 11, 1838.

The reading of the letter was frequently interrupted and objected to, on the ground of its offensiveness to the dignity and character of the House.

Mr. Rockwell, of Connecticut, rose, and defended the rights and privileges of the Members of the House against such attacks from a subordinate officer of the Government. He concluded by moving that the letter be not received.

Mr. Fries replied that an attack had been made on the floor of the House by the gentleman from North Carolina on Colonel Medill, to which no honorable man would submit. He was willing to admit that the letter was not couched in the most respectful language. The commissioner had been charged with corruption and fraud, to repel which it was not to be supposed that he would be very careful in choosing his language. He hoped that a committee would be raised to inquire into the charges made by the gentleman from North Carolina, as was asked by Mr. Medill.

Mr. Clingman said the report of his remarks in the Intelligencer, in which he had alluded to the corruption of the Indian Bureau, was not entirely accurate, but, from information received since he had made those remarks, he was satisfied of the corruption of that bureau. He also reiterated some of the strong language which he had heretofore used in relation to the commissioner.

Messrs. Burt and Evans followed, and spoke at some length against the reception of the letter of Mr. Medill, on account of the offensive language in which it was couched. The privileges of the House secured the freest and most ample debate, which should, however, be exercised with prudence, but under no circumstances could it be tolerated that an officer of a subordinate department of the Government should send to this House an offensive communication like this. If he had felt aggrieved, he should, in the first place, have ascertained from the honorable gentleman from North Carolina if he was correctly reported; and in the next place, he should have asked for an investigation. But he had gone beyond this, and written an insulting letter, which the House could not receive without forfeiting its own self-respect. The Executive had long sought to degrade the House, and now he had an imitator in one of his subordinates.

Mr. Woodward said he had no remarks to offer in relation to the propriety of the course pursued by the honorable Member from North Carolina [Mr. Clingman], nor did he rise to vindicate the supposed privileges of Members of this House. He denied that any privileges existed except by the positive provisions of the Constitution, or such as Congress might enact, in pursuance of its right of exclusive legislation in this District.

His intention was to express his view of the conduct of the Commissioner of Indian Affairs in sending to this body an insulting and offensive communication. It appeared to him that everything was tending to the humiliation and debasement of the legislative branch of the Government. If a similar communication had been addressed to the executive branch, or even to one of its subordinate departments—the War or the State Department—it would have been regarded as an outrage. He [Mr. Woodward] would have so considered it. And he did not hesitate to declare that he would vote to dismiss from office any officer of this House, who in his official position, should be guilty of such an act. Should the Clerk of this House, the Sergeant-at-Arms, or any other subordinate, take it on himself to address the President in the language which one of his subordinates has presumed to throw into our face this morning, there is not a Member on this side of the House who would not demand his dismissal from office. And he [Mr. Woodward] would readily accede to the demand "Yes, sir; could I separate your character as Speaker from your constitutional privileges as a Member of this body, I would vote for your dismissal under like circumstances. And, sir, I shall expect from the Executive the same justice I am so ready to accord to him. I shall expect him to dismiss Colonel Medill from office, or, at all events, to subject him to some proper reproof." As he [Mr. Woodward] would defend the executive department from insult and aggression on the part of our subordinates, so he would expect the Executive to defend the legislative department against aggressions and insult from his subordinates. "It has come to this, that a subordinate

in one of the departments presumes to send an insulting communication to this House, and, what is still more humiliating, to demand of us certain proceedings thereon, and we are expected, upon his demand, to go into the question of the infamous conduct of one of ourselves! Sir, I shall expect every Member on this floor who does not bear in his bosom the heart of a Tory to repel, indignantly, this insult upon the American House of Commons, thus offered by a subordinate in another branch of the Government. If the honorable Member from North Carolina [Mr. Clingman] has done injustice to the commissioner, Mr. Medill, let Mr. Medill seek satisfaction outside of these walls in such manner as he may think best upon his own responsibility. I shall consider myself as having no right to interfere."

Mr. Faran next obtained the floor.

Mr. C. J. Ingersoll said he wished very much to hear the communication read. He had not heard a word of it.

Mr. Faran spoke of the importance of the officer at the head of the Indian Bureau being a man of the highest honor and the strictest integrity, and said whenever any member of the executive or legislative department attempted to degrade that officer in the public estimation, to represent him as not resisting corruption or spurning a bribe, such an effort, particularly when made from the legislative department, should meet on the spot with instant rebuke. Never could he ask any department of this Government to respect him when he did not respect himself; nor could this House be respected by the country when it would not respect itself. If Members of this House would charge the basest corruption upon persons who stood at the head of the Treasury, and who should be men of the nicest honor and the strictest integrity, he said they should never shrink from any investigation which might be asked by that officer or by any Member of this House.

What he complained of was that the gentleman from North Carolina, if he believed the charges which he had preferred were true, had not long since brought them before the House and demanded an investigation. But when, having failed to do this, he got up at the heel of the session and threw out in debate these charges of bribery and corruption upon the head of the Indian Bureau, it was no more than proper that that officer should repel those charges in language as strong as the gentleman himself had used.

Mr. Faran yielded the floor at the appeal of Mr. Cummins, who was proceeding to offer some remarks, when—

Mr. Duer raised the point of order that the gentleman could not yield the floor without losing his right to it entirely.

The Speaker stated that by the courtesy of the House gentlemen had been allowed to yield to others for explanations and still retain the floor; but by the strictest parliamentary law, if it was insisted upon, but one gentleman could be entitled to the floor at a time.

Mr. Duer gave notice, then, that when the gentleman [Mr. Cummins] concluded, he should object to the gentleman who had yielded resuming the floor, and should himself claim it and move the previous question.

Mr. Faran, under this intimation, resumed the floor, and after remarking that the law applied in this case was contrary to the uniform practice of the House, and expressing the hope that if insisted upon now it would be in all other cases, proceeded to say that without intimating in the slightest degree that the insinuation contained in the communication against the gentleman from North Carolina was correct (the gentleman's statement had been made, which he was bound to believe), he nevertheless held that if any Member of this House acted corruptly, it was the privilege of every American citizen, whether he held office under the Executive or not, to present the charge to this body, and a communication of that kind, he apprehended, had never been considered an insult to the House. If a Member on this floor made a serious charge against an executive officer, such as the charge of bribery or corruption, he held it was the privilege of such officer to reply to it in language as strong as that in which the charge was made. Gentleman should recollect that men out of this Hall were as sensitive to their honor as they themselves were; and it was the right of the head of the Indian Bureau, when charges of bribery and corruption were brought against him, to repel them in language as strong as that in which the charges were couched and to demand of the House an investigation. He had known this public officer long, and he undertook to say there lived not a human being of stricter integrity and nicer honor, and who more earnestly desired, as a citizen and an officer of the Government, faithfully to discharge his duties to the country. He undertook to say that the gentleman from North Carolina had been most woefully, grossly, egregiously imposed upon; and he had no doubt but the gentleman, with his high sense of honor and his liberality as a gentleman toward a gentleman, would, after an investigation, be ready to acknowledge before the country that he had been deceived and mistaken in submitting the charges. He hoped no objection would be made to a full investigation of the case.

Mr. Houston, of Alabama, appealed to the gentleman from Ohio to adopt some other mode of arriving at the facts of the case. The gentleman desired an investigation of the truth or falsity of the charges made against the Commissioner of Indian Affairs. It was proper it should be had. He considered the communication of the Commissioner of Indian Affairs, though in the main unobjectionable, still, in some parts, disrespectful to the House; and he hoped that the gentleman would withdraw it and offer a simple resolution providing for the investigation, which, no doubt, would be adopted by the House. He expressed the highest confidence in the integrity and honor of the Commissioner of Indian Affairs, and thought the gentleman from North Carolina would find that he had been misinformed. He dissented from what he considered the result of the position taken by Mr. Woodward, viz, that the House had the exclusive right to make charges against whomsoever they saw fit to direct them, and that they who were thus charged had no right to repel and cast them back. He thought that to the practice of Members of this House themselves, in their constant denunciations of the Executive and his officers, and in bringing forward the gravest charges, might rather be traced the retorts which were provoked, than to any disposition which the executive department might have to encroach on the rights of Congress. He referred to the letter of Mr. Trist containing grave charges against the President—which he ventured to say no man of honor on this floor would get up and say he believed—and to the fact that, notwithstanding this, gentlemen on the other side were not only ready to receive the letter, but to print it. He deprecated the acrimony with which discussions were carried on on this floor, both on the part of each party toward the other and with reference to the Executive, and ascribed to this cause the fact that Members were not treated with greater respect by others.

Mr. Woodward wished to say that he thought gentlemen on this floor had the right to make use of what language they saw fit when speaking of the official conduct of the executive officers.

Mr. Cummins objected, as a point of order, to the floor being yielded, if Mr. Houston wished to retain his right to it. He wanted the same rule applied that had been enforced upon him.

Mr. Houston further enforced the propriety of gentlemen on this floor treating all whose conduct came under their scrutiny with respect, and considered it necessary in order to insure respect for themselves in return. It was too much to expect that an officer of the Government (who was but a man), when he had the gravest charges brought upon him, should not repel them with warmth. He admitted, however, it would have been the most proper course for the commissioner simply to have denied the charges and demanded an investigation.

Mr. Thompson, of Indiana, said, in his legislative experience, he had noticed one case, and one only, similar to this. Some years since, a high functionary of his own State, a state senator, had rendered himself obnoxious to his own party, and another distinguished member of the same party had presented a memorial to the lower house containing base and calumnious charges, and he was glad to say it had been indignantly spurned by the house of representatives of the State of Indiana, and the gentleman himself had barely escaped expulsion from the house by apologizing to them with tears in his eyes. This paper presented the remarkable fact that because a Representative of 70,000 people on this floor had chosen to say he had no confidence in an executive officer, that subordinate member of a coordinate department had presented a paper to this House impeaching the moral character and the integrity and honor of that Member of this House. He knew nothing of the correctness of these charges; he had known the Commissioner of Indian Affairs for ten years with some intimacy, and had never seen anything discreditable in his conduct. He was therefore prepared to enter into this investigation with something of a partiality in his favor. But he was startled when he heard gentlemen on this floor talking about executive officers being influenced by revengeful feelings toward this House. This House were the representatives of the sovereignty of the people, and constituted the grand inquest of the Nation, and yet they must not arraign the conduct of public functionaries for fear their motives should be attacked in return! Had it come to this, in the year 1848, when this great struggle was going on between executive power and the popular supremacy? What was there in what had been said by the gentleman from North Carolina to provoke such an attack?—a gentleman whom he was proud to call his friend, notwithstanding the base charges which had been brought against him; a gentleman to whose unimpeachable character it was unnecessary for him to bear testimony? He read the reported remarks of Mr. Clingman.

Mr. Sawyer and Mr. C. J. Ingersoll wished the paper of Mr. Medill to be read also.

Mr. Thompson said it could be read when he got through, and was proceeding to speak of the remarks of Mr. Clingman, when—

Mr. Clingman repeated the correction of the report which he had made at a previous stage of the debate.

Mr. Thompson understood that the gentleman from North Carolina, then, had never made such a charge as was represented. When an individual Member of this House thought proper to attack an individual out of the House, this House, as a House, could know nothing of it; it was a matter for the two individuals to settle between themselves. But the man feeling himself aggrieved had no more right to send into this House a paper applying abusive epithets to the Member than he had to insult the Speaker for having signed a bill which might not be entirely consistent with his own private opinions. The Constitution provided that Members should not be held responsible elsewhere for words spoken in debate, and the House were bound to protect them whenever they were called in question.

Mr. Collamer thought the only question properly before the House was whether the language of the paper was disrespectful to the House; and if this was the question, the language of Mr. Clingman, the justice of the charges made by him, and so forth, were not just matter of comment. And, at this late stage of the session, he suggested that gentlemen confine themselves strictly to the point at issue.

Mr. Thompson would accept the suggestion of his friend, and confine himself mainly to the question before the House. The gentleman from North Carolina had only spoken of rumors of what he had heard, and yet it was gravely argued now that for this the gentleman was liable to be insulted, and his motives arraigned by an executive officer.

But it appeared that the gentleman was incorrectly reported. He referred to the great difficulty of reporting with entire correctness in the noise and confusion of this Hall, and said the proper way for the Commissioner of Indian Affairs would have been, if he had considered the reported remarks an attack on his character, to have addressed the gentleman from North Carolina, inquiring whether he was correctly represented in the reported remarks. But the gentleman from North Carolina had said he believed the Indian Bureau was corrupt. So did he [Mr. Thompson] and so, he ventured to say, did 200 out of the 230 Members on this floor; not that the head of the bureau was corrupt, but that it was impossible for any man of however high integrity and great energy to purge the Indian Bureau of the festering corruption which existed in its various ramifications.

Mr. Clingman wished to explain, but objections were made.

Mr. Thompson continued. He was told he was wasting the whole day. The House had wasted weeks and months in discussing private and unimportant bills, and now, when he stood up to defend the high constitutional rights and prerogatives of this House, was he to be told that it was out of place?

He continued to comment on the communication as exceedingly improper in its terms, and he said it ought to be rejected by the House. If he were in order, he would offer the following resolution:

Resolved, That the communication of the Commissioner of Indian Affairs be returned to that officer, and that he be informed that this House considers the language thereof as offensive and indecorous.

Mr. Rockwell, of Connecticut, also sent up a resolution, which was read by the Clerk. It was to the effect that the communication from Mr. Medill was disrespectful in its language, and therefore that it ought not to be received.

Mr. Burt rose to a point of order. The paper upon the Speaker's table had not been received by the House, and therefore it could not be made the subject of the action of the House. The House could assign no other reason than that which was implied by its rejection.

Mr. Dixon moved the previous question.

Various points of order were made, and some conversation ensued thereon.

Mr. Fries inquired whether he had the right, under the rules, to withdraw the communication?

The Speaker replied that he had.

Mr. Fries then said that, acting in deference to the wishes of his friends, and with the view of reaching the important object at which he and his friend, Colonel Medill, desired to arrive, viz, the obtaining of an investigation of all the charges preferred by the gentleman from North Carolina, he withdrew the communication, with the intention of moving a resolution of inquiry.

I next call attention to the case of the Hon. S. Pleasanton, at that time Fifth Auditor of the Treasury Department, who wrote a letter to the Speaker of the House taking exception to remarks made in debate by Mr. Sprigg, a Member of the House. The record of this case is found in volume 12, on pages 101-102, of the Congressional Globe, third session Twenty-seventh Congress, and is as follows:

Mr. Sprigg said he rose to a question of privilege. A letter had been addressed to the Speaker and published among the documents of the House, dated "Fifth Auditor's Office, December 14, 1842," which letter contained reflections upon him personally. He presumed the letter had been read by some of the Members, but he would ask the Clerk to read it for the information of the House:

TREASURY DEPARTMENT,
FIFTH AUDITOR'S OFFICE,
December 14, 1842.

Sir: In a report of a debate in the House of Representatives on Monday last, contained in the National Intelligencer of yesterday, it is stated that Mr. Sprigg, among other things, observed: "He remembered, too, that the House, at his instance, had made a call upon the department (Treasury) for full and detailed information as to the whole system of managing the light-houses of the United States, the contracts for buildings, for supplying oil, paying inspectors, etc., but no answer had ever been obtained, notwithstanding the new clerks which the House had voted them, and notwithstanding numerous and repeated promises made to him personally."

It was with extreme surprise I read this statement, as I had a perfect recollection that it was wholly erroneous; and as it is calculated, uncorrected, to injure the Treasury Department unjustly, in the public estimation, I hope you and the House will excuse me for setting the Member right.

It is sufficient to state that the whole of the information called for by the House in relation to light-houses on Mr. Sprigg's motion was transmitted, as required by the resolution, partly to the Committee on Commerce on the 8th of March last, and is contained in their printed report (No. 811); and partly to the House of Representatives direct, by the Secretary of the Treasury, on the 11th of March last, and by the House ordered to be printed, and will be found in document No. 140 of the last session. These two documents contain all the information which was called for by the House.

Mr. Sprigg individually called for the sessions of jurisdiction by the States over all the light-house sites from the adoption of the Constitution, and although so much labor and time as it required might have been declined on his individual call, yet, as I was desirous of furnishing all the information in my power to every person who sought it, the information was prepared and furnished, as far as it was to be found in the office.

This list was sent to Mr. Sprigg on the 24th of May, and had occupied one clerk about six weeks in the preparation of it; and yet he alleges no answer had ever been returned to his calls for information.

I have the honor to be, very respectfully, your obedient servant,
S. PLEASANTON.

HON. JOHN WHITE,
Speaker of the House of Representatives.

In relation to this letter, he would say that he was forcibly impressed with the opinion that, if we allowed public officers to intrude their letters before the House because of reflections made upon their conduct by Members and then place their letters among the public documents, the power of the House was, indeed, materially weakened. It was a gross insult to the House; and even if he did commit an error in relation to a public officer, had the officer a right to come before the House in this insidious manner to attack the statement of a Member? He said in this "insidious" manner, because the letter was presented to the House by the Speaker, without a knowledge of its contents by that officer, who could not be presumed able to look into every public document laid upon his table. Had the Speaker been acquainted with the contents of the letter, he had no doubt that he would not have presented it.

Mr. Sprigg then went into an explanation of the purport of his remarks at the last session, and gave a statement of the action he had taken in order to obtain information from the Treasury Department on the subject of the light-house system of the country. He read several letters which he had received from the fifth auditor, and pronounced their statements hypocritical and false. Having finished his narrative of his connection with the subject, he said he would not protract his remarks any longer. His only wish was to ascertain whether it was the will of the House that public officers should, in this insidious way, make injurious reflections on its Members. He would make a solemn appeal to the House whether voluntary and ex parte statements of this kind should constitute a part of its documents, and whether their documentary records should be swelled up at an enormous expense by printing matter such as this? The injustice, too, to the House and to individual Members by permitting letters of this kind to be printed and inserted in the documents was most manifest, for Members could not get up and reply to them and make their replies a part of the documentary history of the House alongside of the attacks made on them; but such replies could only have existence in the newspapers of the day, which would pass off and soon be forgotten. The fact was, that some of the officers of the Government about Washington were getting to be too important, anyhow; and if (said Mr. Sprigg) we do nothing else but tear away the abuses that exist among them, we shall do well. From the Executive down to the subordinate departments they had heard nothing but abuse of that House, and here was an officer whose office ought not to exist in the organization of the Treasury Department—in fact, he was but a fifth wheel anyhow—undertaking to make injurious reflections on a Member of the House, and in the most insidious manner to make them a part of its records.

Mr. Hopkins said that he had not noticed the paper alluded to until the attention of the House had been called to it by the gentleman from Kentucky. It struck him that it was a paper which ought not to have been filed or placed on the journals or printed as a part of their documents. It was not, in fact, a public document, and if its writer had any exception to make to the remarks of the gentleman from Kentucky, the public press—the very channel through which they were made public—was open to him. Now, the remarks of the gentleman from Kentucky this morning, in reply to this letter, would not find place among the documents of the House, and in this way injustice was done him, as it would be done to other Members if similar proceedings should be permitted. He did not know, however, how the object he had in

view was to be reached; but he would submit to the House that, without any formal question being taken, the Clerk should, by general consent, be directed to strike the letter from the journals (which, he believed, were not yet printed), and to return the original paper, which was certainly printed without any knowledge of its contents by the Members of the House, to its author.

Mr. J. C. Clark could not believe that the fifth auditor intended any disrespect to the gentleman from Kentucky, or that it was his intention to do him any injustice. His only object appeared to have been to correct a misapprehension into which he believed the gentleman had fallen. In the remarks of the gentleman from Kentucky, as published in the public papers, the fifth auditor found charges affecting his official character, and he took what he supposed to be the best means of defending himself, without intending offense to anybody. Now, the question was, if a Member of Congress or a committee of the House or anybody else made allegations affecting the character of a public officer which, in point of fact, should be found to be incorrect, whether he should not have the right to defend himself and place his defense before the public in the best way in his power? Mr. Clark would refer to the cases of Colonel Totten and Mr. Winslow Lewis, who, conceiving themselves implicated by reports of different committees of the House at the last session, sent written communications to the House defending themselves, which were printed and respectively appended to the reports to which they related. No injustice had, in his opinion, been done to the gentleman from Kentucky, and he hoped that no further action would be taken on the subject.

Mr. Meriwether could not agree with the gentleman from New York. The cases cited by him were not in point, for the communications written to the House by the parties implicated were in answer to reports of two of the committees, and thus both the charge and defense were printed together as part of the documents of the House. In the present case, on the contrary, the charge and defense would not go together, one of them only being printed among the documents of the House. The remarks of the gentleman from Kentucky, to which exception was taken by the fifth auditor, did not appear in the documents of the House, but were only published in the ephemeral productions of the day—the newspaper press, and thus passed off and were soon forgotten.

The usual course was for a person aggrieved to come as a memorialist, remonstrating against the action of the House; but in this case the individual came as an officer of the Treasury Department, and he relied on the report of a Member's speech in one of the common journals of the day. Now, he (Mr. Meriwether) thought the House should vindicate its honor by dashing from it such communications as these, and by instructing the Clerk to withhold the document and not allow it to be bound up with the printed documents.

Mr. Proffit said his name had been alluded to in this debate, and it was said that the Committee on Commerce had thought fit (without any complaint from him) to attack him at the last session of Congress and a speech he had made on this floor. Now, the reason why he made no complaint was because he had never seen nor heard of the report until it was spread on the record and circulated to the country. He made a speech on the light-house system, himself believing honestly in its maladministration, and no gentleman answered him—not even a single member of the Committee on Commerce that he recollected—yet a few weeks afterwards he found that the Committee on Commerce had allowed Mr. Pleasanton to pervert his language and to present it before the country.

Mr. Sprigg. And further, sir, they sent your speech to him and invited remark.

Mr. J. C. Clark was understood to say that it was not done with his knowledge.

Mr. Sprigg. Why, he states so himself.

Mr. Proffit. Yes; and not even a letter from any auditor; but Mr. Winslow Lewis, of Boston, was allowed to write a letter, in which there was a perversion of his (Mr. Proffit's) speech; and he had no means of knowing it until he found it spread before the country, and until this moment he had never had the opportunity to show the injustice that had been done to him. Now, what ought the Committee on Commerce to have done? Why, at least, when they received those letters from Mr. Winslow Lewis and Mr. Pleasanton, they should have asked him if he chose to reply to those letters. If he had not been confined to his bed by sickness when the appropriation bill was before the House, he would have made such statements on the light-house system as would have startled both the House and the country. At present he had not strength to say much more, but he had no hesitation in saying that if he had known of these letters and had had the opportunity to speak to the House on the subject, independent of all party feeling, nine-tenths of the House would have joined him in stopping the printing of that report, even coming, as it did, from the Committee on Commerce.

Mr. J. C. Clark said it had not been intended to do injustice to the gentleman. But Mr. Winslow Lewis, who had been mixed up with the discussions on the light-house system, feeling himself aggrieved, presented a respectful letter to one of his (Mr. Clark's) colleagues, and that letter was appended to the committee's report without comment. They simply gave Mr. Lewis's statement with their report, which had not been adopted by the House; and the gentleman from Indiana would have the opportunity, when the next appropriation bill was before the House, to take up the matter and give his own explanations; and if Mr. Lewis (a gentleman of great distinction, who had built many light-houses) had been guilty of bad management or peculation, the gentleman from Indiana could show it.

Mr. Underwood. In the course of some remarks, disapproved of this course of allowing individuals to reply to the speeches of Members on that floor. If a committee of the House was about to act on the character of an individual, it would be proper to hear that individual; and when General Gratiot was about to be proceeded against as a defaulter, that course was followed, for he had himself presented a statement containing General Gratiot's own version of the transaction. But when a Member rose and made a speech in which, by way of argument, he stated a fact, to allow any officer to come in with a contradiction would involve them in interminable confusion.

The Speaker explained that the letter came to him as a communication from the Treasury Department, and, as such, he had presented it to the House without perusal; if, however, he had known the purport of the communication, it should not have been presented.

Mr. Meriwether then submitted the following resolution:

Resolved, That the communication addressed to the Speaker of this House by S. Pleasanton on the 14th instant, in relation to some remarks made in the House before that time by Mr. Sprigg, a Member from Kentucky, which paper was received by the Speaker and laid before the House without a knowledge of its contents, was not such a

communication as ought to have been received and presented to the House; that the same be withheld from the Journal and files of the House, and the original be returned to the writer."

The resolution was then adopted.

The letter of Mr. Pleasanton, it seems, was not read by the Speaker before it was printed in the Globe. In fact, the Speaker, page 102, stated that if "he had known the purport of the communication it should not have been presented." After some discussion a resolution, as the record shows, was adopted declaring the letter to be such a communication as should not be received by the House, and directing that it "be withheld from the Journal and files of the House, and the original be returned to the writer."

Now, here was a case where this officer of the executive department wrote a letter in which he used no stronger language than simply to say that the statement of the Member of Congress excepted to "was wholly erroneous," and yet Members denounced it, and the House struck it from the Globe.

The Supreme Court of the United States had occasion to review the section of the Constitution involved here, in the case of *Kilbourn v. Thompson et al.*, and at October term, A. D. 1880, handed down an opinion which included remarks very pertinent to the point now at issue. In that case the court, speaking through Mr. Justice Miller, says that our provision of the Constitution, namely, section 6 of Article I, is borrowed from the English Bill of Rights as declared by Parliament and assented to by the Crown. The court approves the construction adopted by the English courts to the effect that—

The freedom of speech and debates and proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament. (*Hinds's Precedents*, vol. 3, sec. 2675.)

In the first session of the Thirty-ninth Congress a case arose in which it was declared an invasion of privilege for a Member in debate to read a letter from a person not a Member calling in question the acts of another Member. This was the case in which the Hon. James G. Blaine, then a Representative from the State of Maine, read a letter from James B. Fry, provost-marshal-general, in which the latter impugned the official conduct of the Hon. Roscoe Conkling, a Representative from the State of New York. A resolution was adopted for the appointment of a special committee of five to investigate and report; and that committee, composed of such distinguished and able statesmen as Samuel Shellabarger, of Ohio; William Windom, of Minnesota; Benjamin M. Boyer, of Pennsylvania; Burton C. Cook, of Illinois; and Samuel L. Warner, of Connecticut, among other things in their report, said:

Your committee deem it proper most earnestly to protest against the practice which has obtained to some extent of causing letters from persons not Members of the House to be read as a part of personal explanation, in which the motives of Members are criticised, their conduct censured, and they are called to answer for words spoken in debate. Such attacks upon Members made in the House itself and published in its proceedings, and scattered broadcast to the world at the expense of the Government, are, in the opinion of your committee, an improper check upon the freedom of debate, a violation of the privileges, and an infringement of the dignity of the House. (*Hinds's Precedents*, vol. 3, sec. 2686.)

If a letter from a provost-marshal-general was "an improper check upon the freedom of debate," how much more is a letter from the "American premier" in which it is declared he is acting under the direction of the President of the United States likely to prove—

An improper check upon the freedom of debate?

When the Hon. Schuyler Colfax was Speaker of this House, during the second session of the Fortieth Congress, almost the identical question involved here came up for determination. That was the case in which the Hon. Elihu B. Washburne, a Representative from the State of Illinois, made an attack in the columns of a newspaper on the Hon. Ignatius Donnelly, a Representative from the State of Minnesota. The question was on the adoption of a resolution for the appointment of a special committee to investigate and report. Mr. Speaker Colfax said:

The Chair is of the opinion that this is a question of privilege upon the ground that "charges affecting the character of a Member of Congress," when made distinctly, even by a person not a fellow-Member, are regarded as questions of privilege. General charges and denunciations, vague and not specific in their character, are not usually regarded as questions of privilege.

But when charges have been made in newspapers by persons not holding the relations to a Member of Congress that a fellow-Member does, imputing distinctly that affecting the honor and reputation of a Member, they are regarded as questions of privilege. This, however, is subject to the rules of the House, and if objection is made to the consideration of this resolution the Chair will submit to the House the question: Shall the resolution be considered at this time for its decision?

The resolution was agreed to. The report of the committee, so far as the same is material here, was in substance to the effect that a publication in a newspaper of charges affecting

the Member in his representative capacity was a breach of the privileges of the Member. If the charges concerned the Member in his individual capacity only, then the publication would not constitute a breach of his privileges. (Hinds's Precedents, vol. 3, sec. 2691.)

The case here, Mr. Speaker, is much stronger than the case just cited. In the case here the alleged offender occupies the exalted position of Secretary of State, the chief place in the Cabinet of the President of the United States. He declares in the publication itself that in what he is doing he is acting under the direction of the President of the United States himself. The publication is addressed to the diplomatic representative of a foreign government. It is given out to the various news agencies of the country, who are all anxious to get news from so high a source, and by them scattered broadcast by publication in all the principal newspapers of the land, and it is filed in the archives of the State Department of this Republic, in the permanent records of that department, there to remain as long as the Government itself shall last.

And what of the subject-matter of the publication? In its terms it seeks to belittle the personality and to minimize the importance of the Hon. HENRY T. RAINEY, a Representative in this House from the State of Illinois. It refers to him as unimportant, and holds him and his efforts here in the discharge of what he conceives to be his duty up to the representative of a foreign government and to the whole world as an object of ridicule. Aye, Mr. Speaker, it goes further and charges the gentleman from Illinois with uttering untruths in the course of a speech delivered in this House. Is not this the calling of a Member in question for words uttered in debate here? Does not the Secretary of State criticize a Member on account of a speech made here? Is not this an attack upon a Member for and on account of a speech made by the Member in course of debate in the orderly procedure of this House? Could there be a clearer violation of the constitutional provision in question?

During the first session of the Fifty-seventh Congress when Mr. Speaker Henderson was in the chair, the Hon. Frank C. Wachter, a Representative from the State of Maryland, raised a question of privilege on account of a certain publication in a Baltimore newspaper. A point of order was raised, and the Speaker overruled the point of order, holding that a question of privilege was involved, the Member having been "attacked in his representative capacity." (Hinds's Precedents, vol. 3, sec. 2694.)

In the case of Hon. Joseph H. Acklen, a Representative from the State of Louisiana, the House entertained as a question of privilege newspaper charges against a Member in his representative capacity, and ordered an investigation. (Hinds's Precedents, vol. 3, sec. 2696.)

In the first session of the Fifty-ninth Congress, on a resolution offered by Hon. THETUS W. SIMS, then and now a Representative from the State of Tennessee, the Hon. JOSEPH G. CANNON, then Speaker, held that a newspaper article charging Members of Congress—without naming any of them—with abusing the "franking privilege" constituted a breach of the privileges of the House. (Hinds's Precedents, vol. 3, sec. 2705.)

In the first session of the Twenty-ninth Congress the House by a decisive vote held an employee of the House having charged in a newspaper that a Member uttered a falsehood in debate, that this was a breach of the privileges of the House. (Hinds's Precedents, vol. 3, sec. 2718.)

With the precedents cited, it seems to me there can be no question that Mr. Bacon has been guilty of a gross breach of the privileges of a Member of this House, of the privileges of the House itself, and has been guilty of an infraction of the dignity of the House. Such communications are well calculated to deter timid men who may happen to be Members of this House in the future from engaging in that free debate contemplated by the Constitution. Many men might be inclined not to engage in discussion upon this floor if their views should happen not to coincide with the views of the administration, if some high and mighty official of the State Department is to be privileged to hold them up to ridicule without let or hindrance. The rule should be enforced, the dignity of the House should be maintained, and the constitutional privileges of our membership should be preserved inviolate.

If an outsider, be he public official or private citizen, is unjustly assailed here, he has his remedy, ample and complete. He can memorialize this House, set out the injustice, and ask the relief, and I am confident this House of Representatives will never become so weak and cowardly as to deny justice to an outraged American citizen.

The SPEAKER. The Chair has listened carefully to the reading of the preamble and the resolution. It seems to the

Chair that if a question of privilege be presented at all by this resolution, it is presented in the communication by the Secretary of State by direction of the President to another government. It is true that a Member of the House shall not be called in question in the performance of his duty. As to what is meant by being "called in question" is a matter that the House must determine for itself when the matter is presented by proper resolution. The Chair takes it that a citizen might criticize the remarks of a Member of the House, from a friendly or an unfriendly standpoint, without violating the privileges of the House.

In this case neither the Secretary of State nor the President has sent any communication to the House. It has referred in answering the communication from a foreign government to the words spoken by a Member of the House. If the Secretary of State, as an individual, had made this criticism, the Chair thinks it is entirely probable that there would have been no question of privilege presented, or if in a newspaper editorial such a remark had been made touching the speech of a Member, the Chair very much doubts whether it would present a question of privilege.

There are some precedents, however, where more than one Speaker has submitted the matter to the House as to whether a question of privilege is stated in the resolution. The Chair prefers in this case not to pass upon the point of order, sustaining the same, but believes it would be better to take such action as it seems proper by overruling the point of order; and whether a question of privilege is involved, or even a shadow of a question of privilege, will be for the House to determine. Therefore, the Chair overrules the point of order.

Mr. PAYNE. Mr. Speaker, I move that the resolution lie on the table.

Mr. CLARK of Florida. And on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PUJO. Mr. Speaker, I ask unanimous consent that the resolution may be again read.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the resolution be again reported. Without objection, the Clerk will again report the resolution.

The Clerk proceeded to again report the resolution, as follows:

Whereas on the 26th day of January, A. D. 1909, this House of Representatives being then in session at the Capitol, and having under consideration in Committee of the Whole House on the state of the Union H. R. 26305, in "general debate," the Hon. HENRY T. RAINEY, a Representative in the Congress of the United States from the State of Illinois, then and there delivered from his place on the floor of the House an address in which he discussed the manner in which the Government of the United States acquired rights on the Isthmus of Panama with relation to the proposed canal across said Isthmus; the manner of consummating the contract for the purchase of the canal property; the conduct of certain persons, officials, and nonofficials connected therewith; and the general subject of the acquirement, construction, and management of the said Panama Canal, as well as the acts and doings of the said persons in and about the same; and

Whereas on the 29th day of January, A. D. 1909, in the open session of the House of Representatives, the same being in Committee of the Whole House on the state of the Union and having under consideration in "general debate" H. R. 26915, the said, the Hon. HENRY T. RAINEY, a Representative as aforesaid, again further addressed the House in Committee of the Whole, as stated, on the subject aforesaid, and in continuation of his address so delivered as aforesaid on the said 26th day of January, A. D. 1909; and

Whereas on the 9th day of February, A. D. 1909, the Hon. Robert Bacon, Secretary of State of the United States, caused to be composed, written, printed, and published in certain and numerous newspapers which are published in the city of Washington and elsewhere throughout the United States, and which are of general circulation in the United States and elsewhere, as well as making the same by filing therein a part of the permanent records of the State Department of the United States, a certain document alleged to be in reply to a communication said to have been received by him, the said Hon. Robert Bacon, Secretary of State as aforesaid, and to have been written by some official of the Government of the Republic of Panama taking exception to and complaining of the said addresses of the said Hon. HENRY T. RAINEY, a Representative as aforesaid, in behalf of his Government, the said Republic of Panama, and which said document so composed and published by the said the Hon. Robert Bacon, Secretary of State as aforesaid, as the same was published and appeared in the Washington Post, a daily newspaper published at the city of Washington, D. C., in its issue of the 10th day of February, A. D. 1909, and which said newspaper has and enjoys a wide circulation throughout the United States, was and is as follows, viz:

"SIR: The President directs me to say in answer to your communication of February 9, 1909, that the remarks complained of were made in the House of Representatives. Under our Constitution we have, for what we regard as wise reasons, provided that for any speech or debate in either House they (the Senators and Representatives) shall not be questioned in any other place.

"This provision we regard as essential to secure full liberty of speech to the elected representatives of the people; and we feel that such liberty of speech should be preserved, even though it may occasionally be abused.

"It ought to be understood that the utterances of individual Members are not to be taken as expressing the views either of the Government of the United States or the House in which such remarks are made. As regards the statement in question made by Representative RAINEY, the President attached so little importance to him that he had not even read them until your protest came.

Mr. OLMSTED (interrupting the reading). Mr. Speaker, may I interrupt the reading at that point? I think there is a mistake there. I read the letter when it appeared, and it did not say "attached so little importance to him," but "to it."

Several MEMBERS. "To them."

Mr. CLAYTON. "To him" in the text that I read.

The SPEAKER. In the resolution as read from the Clerk's desk the word "him" is used. The Chair will state to the gentleman from Florida that it is suggested that the word "him" is used in the resolution which he had presented to the desk instead of the word "them;" that is, that as it is read here the "him" referred to the gentleman from Illinois [Mr. RAINES], and the word "them" would refer to the statements.

Mr. CLARK of Florida. Mr. Speaker, the copy I saw used the word "him." I noticed it particularly that the word "him" was used.

Mr. WILLIAMS. Mr. Speaker, I read the statement in the newspapers, and my recollection is that it said "them" and not "him."

Mr. CLARK of Florida. Mr. Speaker, I copied it, and I know what it said.

Mr. WILLIAMS. I suggest that the gentleman from Florida ought to have his resolution perfect and that he should strike out the word "him" and insert the word "them."

Mr. CLARK of Florida. Mr. Speaker, I can not go back on the senses of my own vision. I saw the word "him."

Mr. CLAYTON. And I saw it also as the gentleman from Florida saw it.

The SPEAKER. The Clerk will read.

The Clerk concluded the reading of the resolution.

The question was taken; and there were—yeas 188, nays 121, answered "present" 7, not voting 69, as follows:

YEAS—188.

Acheson	Draper	Hughes, W. Va.	Norris
Allen	Driscoll	Hull, Iowa	Nye
Ames	Durey	Humphrey, Wash.	Olcott
Andrus	Dwight	Jenkins	Olmsted
Anthony	Edwards, Ky.	Jones, Wash.	Overstreet
Bannon	Ellis, Mo.	Kahn	Parker
Barefield	Ellis, Oreg.	Kelley	Parsons
Barelay	Englebright	Kennedy, Iowa	Payne
Bartholdt	Esch	Kennedy, Ohio	Pearre
Bates	Fassett	Kinkaid	Perkins
Beale, Pa.	Focht	Knapp	Pollard
Bede	Fordney	Knopf	Porter
Bennett, Ky.	Foster, Ind.	Knowland	Pray
Bingham	Foster, Vt.	Küstermann	Prince
Bonyng	Foulkrod	Lafean	Reeder
Boutell	Fowler	Langley	Roberts
Boyd	French	Lanning	Rodenberg
Bradley	Fuller	Lawrence	Scott
Brownlow	Gaines, W. Va.	Lindbergh	Slomp
Burke	Gardner, Mass.	Longworth	Smith, Cal.
Burton, Ohio	Gardner, Mich.	Loud	Smith, Iowa
Butler	Gardner, N. J.	Loudenslager	Smith, Mich.
Calder	Gillet	Loving	Southwick
Campbell	Graft	Lowden	Sperry
Capron	Greene	McCreary	Stafford
Cassel	Gronna	McGuire	Steenerson
Caulfield	Guernsey	McKinlay, Cal.	Sterling
Chaney	Haggott	McKinley, Ill.	Stevens, Minn.
Chapman	Hale	McKinney	Sturgiss
Cocks, N. Y.	Hall	McLachlan, Cal.	Sullivan
Coie	Hamilton, Mich.	McLaughlin, Mich.	Swasey
Conner	Harding	McMillan	Tawney
Cook, Colo.	Haskins	McMorran	Taylor, Ohio
Cook, Pa.	Haugen	Madden	Thistlewood
Cooper, Pa.	Hawley	Madison	Thomas, Ohio
Cooper, Wis.	Hayes	Malby	Tirrell
Coudrey	Henry, Conn.	Mann	Townsend
Crumpacker	Hepburn	Martin	Volstead
Currer	Higgins	Miller	Vreeland
Cushman	Hill, Conn.	Mondell	Waldo
Dalzell	Hinshaw	Moon, Pa.	Washburn
Darragh	Holliday	Moore, Pa.	Watson
Davis	Howell, N. J.	Morse	Weems
Dawson	Howland	Mouser	Wheeler
Denby	Hubbard, Iowa	Murdock	Wood
Diekema	Hubbard, W. Va.	Needham	Woodyard
Douglas	Huff	Nelson	Young

NAYS—121.

Adair	Carter	Foster, Ill.	Hefflin
Alken	Clark, Fla.	Fulton	Helm
Alexander, Mo.	Clark, Mo.	Gaines, Tenn.	Henry, Tex.
Ashbrook	Clayton	Garner	Hitchcock
Barnhart	Cockran	Garrett	Houston
Bartlett, Ga.	Cooper, Tex.	Gill	Howard
Beall, Tex.	Cox, Ind.	Gillespie	Hughes, N. J.
Bell, Ga.	Craig	Gordon	Hull, Tenn.
Bocher	Crawford	Goulden	James, Ollie M.
Brantley	De Armond	Griggs	Johnson, Ky.
Brodhead	Denver	Hackney	Johnson, S. C.
Broussard	Dixon	Hamill	Kelher
Brundidge	Edwards, Ga.	Hamilton, Iowa	Kimball
Burgess	Ellerbe	Hamlin	Kitchin
Burleson	Estopinal	Hammond	Lee
Burnett	Ferris	Hardwick	Lenahan
Byrd	Finley	Hardy	Lever
Candler	Fitzgerald	Harrison	Lewis
Carlin	Floyd	Hay	Lindsay

Livingston	Peters	Sabath
Lloyd	Pujo	Saunders
McHenry	Randell, Tex.	Sheppard
McLain	Ransdell, La.	Sherley
Macon	Rauch	Sherwood
Maynard	Reid	Sims
Moon, Tenn.	Richardson	Slayden
Moore, Tex.	Rothermel	Smith, Mo.
Murphy	Rucker	Smith, Tex.
Nicholls	Russell, Mo.	Sparkman
Padgett	Russell, Tex.	Spight
Page	Ryan	Stanley

ANSWERED "PRESENT"—7.

Adamson	McDermott	Small	Wanger
Bennet, N. Y.	Rainey	Talbott	

NOT VOTING—69.

Alexander, N. Y.	Foelker	Kipp	Reynolds
Ansberry	Fornes	Lamar, Fla.	Rhinock
Bartlett, Nev.	Foss	Lamar, Mo.	Riordan
Birdsall	Gilham	Lamb	Robinson
Bowers	Glass	Landis	Shackleford
Burleigh	Godwin	Lassiter	Sherman
Burton, Del.	Goebel	Law	Snapp
Calderhead	Goldfogle	Leake	Stephens, Tex.
Caldwell	Graham	Legare	Taylor, Ala.
Cary	Gregg	Lorimer	Weeks
Cousins	Hackett	McCall	Weisse
Cravens	Hill, Miss.	McGavin	Willett
Davenport	Hobson	Marshall	Wilson, Ill.
Davidson	Howell, Utah	Mudd	Wilson, Pa.
Dawes	Humphreys, Miss.	O'Connell	Wolf
Fairchild	Jackson	Patterson	
Favrot	James, Addison D.	Pou	
Flood	Jones, Va.	Pratt	

So the resolution was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BENNET of New York with Mr. FORNES.

Until further notice:

Mr. BURLEIGH with Mr. BOWERS.

Mr. BIRDSALL with Mr. BARTLETT of Nevada.

Mr. BURTON of Delaware with Mr. DAVENPORT.

Mr. CALDERHEAD with Mr. FLOOD.

Mr. COUSINS with Mr. GLASS.

Mr. DAVIDSON with Mr. GODWIN.

Mr. DAWES with Mr. GOLDFOGLE.

Mr. FOCHT with Mr. GREGG.

Mr. FOSS with Mr. HACKETT.

Mr. GILHAM with Mr. HOBSON.

Mr. GOEBEL with Mr. HUMPHREYS of Mississippi.

Mr. GRAHAM with Mr. JONES of Virginia.

Mr. HOWELL of Utah with Mr. KIPP.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. LANDIS with Mr. LASSITER.

Mr. LAW with Mr. O'CONNELL.

Mr. MCCALL with Mr. SHACKLEFORD.

Mr. WEEKS with Mr. STEPHENS of Texas.

Mr. WILSON of Illinois with Mr. TAYLOR of Alabama.

Mr. SNAPP with Mr. LAMB.

Mr. MARSHALL with Mr. ROBINSON.

Mr. LORIMER with Mr. ANSBERRY.

Mr. ALEXANDER of New York with Mr. CALDWELL.

Mr. REYNOLDS with Mr. SMALL.

Mr. FAIRCHILD with Mr. CRAVENS.

Mr. FOELKER with Mr. PATTERSON.

Mr. MUDD with Mr. TALBOTT.

Mr. CARY with Mr. WEISSE.

Mr. JACKSON with Mr. WOLF.

Mr. MCGAVIN with Mr. PRATT.

The result of the vote was announced as above recorded.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend and revise his remarks on the point of order. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent for about three minutes in which to make a statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, a moment ago, in the resolutions that have just been laid upon the table, the gentleman from Florida [Mr. CLARK] recited that, as published in the Washington Post, the following language appeared as regards the statements in question made by Representative RAINES:

The President attached so little importance to him that he had not even read them until your protest came.

During the rereading of the resolution I arose and stated to the House, when the question was brought up by the gentleman from Pennsylvania [Mr. OLMSTED], that my recollection

of the account that I had read in the public prints was that the President said he attached so little importance "to them," instead of "to him." I have since obtained a copy of the Washington Post of that day, and I find that the language as recited in the resolution is verbatim the language as published in the Washington Post.

I was therefore a little bit afraid that what I said might do some injustice to Mr. CLARK of Florida, the author of the resolution. I either read it in some other paper as I recited it, or, if I read it in the Post, I read it with my mind rather than with my eye; in other words, read what ought to have been written rather than what was written. I say ought to have been written, because I take it for granted that unless the Secretary of State wanted to go out of his way to be effusively and personally and illogically offensive he would have used the word "them" rather than the word "him." The object of my making this statement is that no injustice shall be done to the language of the resolution or to the accuracy of quotation of the gentleman from Florida in quoting it. Having set out in the resolution that he was quoting from the Washington Post, he was, of course, compelled to quote what that paper said verbatim—whether accurate or inaccurate—whether it was a correct copy of the original instrument or not. I am furthermore informed that all efforts on the part of Mr. RAINY to get a copy of the original instrument have been unavailing.

SABINE AND NECHES RIVERS.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 27363) to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to permit the counties of Jefferson and Orange, or any subdivision thereof, in the State of Texas, or any citizen or citizens of said State, to improve the navigable capacity of the Sabine and Neches rivers, and the canal connecting the mouths of these rivers with the mouth of Taylors Bayou, by deepening and otherwise improving the same, such work to be done in accordance with such plans and specifications as may be approved by him on the recommendation of the Chief of Engineers: *Provided*, That the prosecution of the work shall be subject to the supervision, control, and regulation of the Secretary of War, and to such special conditions as he may impose for the protection of the interests of the United States: *Provided further*, That the entire cost of any work which may be done under authority hereby granted shall be borne by the party or parties to whom the permit is issued: *And provided further*, That the Secretary of War shall have full power and authority to cooperate with said counties of Jefferson and Orange, or subdivisions thereof, or citizens, in the making of contracts for the improvement, and, if deemed expedient, may direct the disbursement of such funds as may be provided for such improvement by the party or parties to whom this permit is granted, and under such terms and in such manner as may be mutually agreed upon by the Secretary of War and the party or parties to whom this permit is granted.

The committee amendments were read, as follows:

In line 4 strike out the words "and directly" and insert the words "in his discretion;" and strike out all after the word "issued," in line 6, on page 2, and insert the following:

"And neither this act nor any privilege acquired, or work executed thereunder shall be used as a basis for any claim against the United States for remuneration for any expenditures made by the said party or parties: *And provided further*, That the methods to be pursued in executing the work herein authorized, including the making of the necessary contracts and the expenditure of the funds provided, shall be such as may be mutually agreed upon by the Secretary of War and the parties to whom the permit is issued."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to know from the gentleman just what the United States is giving up in this bill, if anything.

Mr. COOPER of Texas. Mr. Speaker, while this bill is local in its nature, it is of interest to the entire people of the Government. The purpose of the bill is to permit the counties of Jefferson and Orange, in the State of Texas, or some subdivisions thereof, to expend their own money in deepening the canal from the mouths of the Neches and Sabine rivers to deep water at Taylors Bayou. The canal that they propose to deepen was dug 10 feet deep by the Government, and no appropriation is provided in the present rivers and harbors bill for further work. The citizens of the localities in interest propose themselves to raise the money to dig the canal to a depth of 25 feet. They ask permission of Congress that they may do it. The legislature of the State of Texas recently, at the instance of these people, passed a law permitting them to tax themselves and to issue bonds, but before this can be done two-thirds of the voting taxpayers of the district must consent to the issuance of the bonds by vote.

Mr. PAYNE. If I understand the question, then, this channel has been practically abandoned by the United States and the Government is making no further appropriation.

Mr. COOPER of Texas. No; the gentleman from New York is in error.

Mr. PAYNE. Are there any improvements being made on it?

Mr. COOPER of Texas. No; but the anxiety of the people to have the work immediately done and the conditions there with respect—

Mr. PAYNE. The Government, the gentleman said, was making no further appropriations.

Mr. COOPER of Texas. Not in the present bill. The present bill recognizes this project, and the Rivers and Harbors Committee suggest in the bill that if the citizens want to cooperate the Government would willingly accept their cooperation.

Mr. PAYNE. What committee reports this bill?

Mr. COOPER of Texas. The Committee on Rivers and Harbors.

Mr. PAYNE. I have no objection.

Mr. COOPER of Texas. Mr. Speaker, I desire to make the statement that the committee has offered an amendment. I understand that there is no pride of opinion with the committee respecting that amendment. The objection that I have to this amendment—and that objection, I think, will appeal to this House—is this, that the amendment makes a legislative declaration that this bill shall not be the basis for any future return by the Government of the money; that is to say—

Mr. MANN. Oh, not at all.

Mr. COOPER of Texas. The gentleman is in error.

Mr. MANN. I have it before me.

Mr. COOPER of Texas. Then read it.

Mr. MANN (reading)—

And neither this act, or any privileges acquired, or work executed thereunder, shall be used as a basis for any claim against the United States for remuneration for any expenditures made by these said parties or party.

Mr. COOPER of Texas. The anxiety to have this work done at once induces me to object to this amendment. The taxation to be levied and collected from the people for this worthy project and the money raised by the people expended, the people have the right to expect that the Government would afterwards refund the money; in fact, it should be done. Now, if you throw it in their faces that the money shall not be refunded, by this legislative declaration, if you make this legislative brutum fulmen, you deter men from voting for this proposition who otherwise would vote for it.

Mr. TAWNEY. Will the gentleman permit? The gentleman has asked unanimous consent, and objection has been reserved, for the consideration of the bill which the gentleman has sent to the desk, which included amendments. Now, if he proposes to offer an amendment striking out the committee amendment, I shall have to object.

Mr. COOPER of Texas. Mr. Speaker, I was bound and now I am gagged, and I consent to the amendments.

Mr. MANN. I hope the gentleman will not go to the Senate and try to get it stricken out, because we will have to think that would be bad faith.

The SPEAKER. Without objection—

Mr. MANN. Mr. Speaker, reserving the right to object, there is a proposition which the gentleman now makes to let certain parties advance certain money in reference to—

Mr. COOPER of Texas. Not advance; appropriate.

Mr. MANN. That is the proposition of the gentleman at present, to advance money for improvements, and then proposes to have that reimbursed. If the gentleman consents to the committee amendment, it is believed that the gentleman does not expect that the committee amendment will be in the bill when it comes back from the Senate.

Mr. COOPER of Texas. The gentleman draws from his fertile imagination in that. If I could control the Senate, Mr. Speaker, I would answer the gentleman. I do not know what the Senate will do.

Mr. MANN. I think we had better ascertain, then. For the present, I object.

The SPEAKER. Is there objection?

Mr. MANN. For the present, I object.

PANAMA CANAL.

Mr. OLMSTED. Mr. Speaker, I desire to make a brief statement for the sake of accuracy. I have called up the Secretary of State and have had read to me over the telephone the press copy of the original letter of the Secretary of State, to which reference has been made to-day. It reads:

As regards the statements made by Mr. RAINY, the President attached so little regard to them that he had not even read them until your protest came, etc.

Mr. WILLIAMS. I am glad to hear it was published both ways. I thought I had read it that way somewhere.

Mr. OLMSTED. It referred not to the gentleman from Illinois [Mr. RAINEY], but to the statements.

Mr. CLARK of Florida. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. I would like to ask the gentleman from Pennsylvania a question in reference to the statement read.

Mr. OLMSTED. I ask unanimous consent that the statement may follow the statement of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. CLARK of Florida. I would like to ask the gentleman a question before I give my consent.

The SPEAKER. Is there objection to the request of the gentleman from Florida that he may ask the gentleman from Pennsylvania [Mr. OLMSTED] a question? [After a pause.] The Chair hears no objection.

Mr. CLARK of Florida. I would like to know what the gentleman read?

Mr. OLMSTED. I read from my own manuscript, taken down at the telephone from the original letterpress copy of the original letter of the Secretary of State as read to me from his office not five minutes ago.

Mr. CLARK of Florida. Does the gentleman know who read it to him?

Mr. OLMSTED. Yes; the private secretary to Mr. Bacon, the Secretary of State.

Mr. CLARK of Florida. As I understand it, standing at the telephone here in the Capitol the gentleman took down what the secretary of the Secretary of State said was a letter press copy of the original letter? Is that what I understand?

Mr. OLMSTED. He read to me from the impression made in the letter book from the original letter signed by the Secretary of State.

Mr. CLARK of Florida. Yes; that is his statement to you?

Mr. OLMSTED. Certainly. He read the letter to me from the book. He did not know what was going on up here.

FUNDS OF CHIPPEWA INDIANS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution No. 53.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, required to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of lands and timber under the provisions of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and the acts amendatory thereto, together with such items, if any, as may have been realized from other sources for the benefit of said Chippewa Indians, and the disbursements made from said funds.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, what is the necessity for this resolution?

Mr. STEENERSON. The necessity is this: Twenty years ago last month an act was passed disposing of about 4,000,000 acres of land belonging to the Chippewa Indians. Part of them were pine lands and part were agricultural, and the Government has been disposing of millions of dollars of timber, and the Indians do not know how much credit they are to have. Of course it costs a lot of money to do this work for the Indians, and they are anxious—like you or I would be—to know how much the resulting net credit is to them. They want the report to Congress after these twenty years, in order to find out whether they have got anything to their credit or not. The resolution was unanimously reported by the Committee on Indian Affairs, and the Interior Department has approved it, as shown by the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, May 19, 1908.

SIR: I have the honor to acknowledge receipt, by your reference of May 14, 1908, of H. J. Res. 53, being a joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota.

This resolution has received the favorable consideration of the department, and I recommend that it be passed.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. CLARK of Missouri. Why has not the Indian Bureau kept informed as to how much money they have there which belongs to these Indians?

Mr. STEENERSON. They have been trying to find out for many long years.

Mr. CLARK of Missouri. Who?

Mr. STEENERSON. The Indians.

Mr. CLARK of Missouri. I am not asking about what the Indians are doing. I am asking about what the Indian Bureau is doing.

Mr. STEENERSON. The Indian Bureau does not control it. The Treasury Department controls it in part and the Interior Department in part.

Mr. CLARK of Missouri. Why has not the Treasury Department kept them informed?

Mr. STEENERSON. Well, I can only say that these Indians, most of them, live in my district, and they are anxious to know how they stand. I have introduced this resolution for the purpose of finding out, and I believe it will bring the information.

Mr. CLARK of Missouri. I know; but I want you to answer my question. What is the reason the Treasury has not voluntarily informed them?

Mr. STEENERSON. I do not know.

The SPEAKER. Is there objection?

Mr. STEENERSON. An identical resolution has already passed the Senate (S. R. 88), and I ask to substitute that for this.

The SPEAKER. Is it identical?

Mr. STEENERSON. Identical; word for word.

Mr. MANN. Is the Senate resolution upon the desk?

Mr. STEENERSON. They might send it up.

Mr. MANN. Is it the original engrossed copy?

The SPEAKER. The engrossed copy is not here, but is evidently before the committee, so that the gentleman's request should be to discharge the committee from the further consideration of the resolution.

Mr. MANN. Have you not the original?

Mr. STEENERSON. I have not the original.

Mr. MANN. Then you better postpone your request until you get the original.

The SPEAKER. The gentleman must have the Senate bill.

Mr. MANN. Better postpone your request.

The SPEAKER. The matter can go over for the present, until the gentleman gets the bill.

Subsequently,

The SPEAKER. In the meantime the gentleman from Minnesota [Mr. STEENERSON] has found the original Senate resolution (S. R. 88) identical with the House resolution. Is there objection to discharging the Committee on Indian Affairs from the consideration of the Senate resolution, and considering the same now?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the corresponding House resolution (H. J. Res. 53) was ordered to lie on the table.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the joint resolution passed was laid on the table.

SALE OF TIMBER ON ALLOTTED INDIAN LANDS.

Mr. JONES of Washington. Mr. Speaker, I desire to ask unanimous consent for the consideration of Senate bill 4548. The bill was objected to the other day, and I now ask unanimous consent for its consideration with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Washington asks unanimous consent to consider in the House at this time the following Senate bill, with an amendment which he proposes. The bill was read on a former day.

The Clerk read as follows:

A bill (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

Add at the end of the bill the following:

"The Secretary of the Interior shall have authority to call on the Forest Service for assistance in carrying into effect the provisions hereof and of regulations he may prescribe hereunder, and also to determine what expenses shall be paid from the proceeds of the sale of the timber."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN NATIONAL RED CROSS.

Mr. AMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 27473.

The Clerk read as follows:

A bill (H. R. 27473) to amend an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross."

Be it enacted, etc., That paragraph 5 of section 3 of an act approved January 5, 1905, entitled "An act to incorporate the American National Red Cross," be, and is hereby, amended to read as follows:

"Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same."

Sec. 2. That section 4 of the said act be, and is hereby, amended to read as follows:

"Sec. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof, for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross, not lawfully entitled to use the emblem of the Red Cross hereafter to use such emblem or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever heretofore had registered."

"If any person violates the provisions of this section he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one or more than five hundred dollars or imprisonment for a term not exceeding one year, or both, for each and every offense. This fine so collected shall be paid to the American National Red Cross."

The amendments recommended by the committee were read, as follows:

Page 1, after line 11, at the bottom of the page add:

"Provided, That funds contributed for relief purposes of a specific and local character shall be applied to the particular purpose for which the contributions were made until, in the judgment of the central committee, all needed relief and rehabilitation of individuals, families, and institutions has been realized. Any balances of relief funds contributed for special purposes, which, in the opinion of the central committee, are not needed for the special object or purpose for which the contributions were proposed shall be credited to the general emergency fund for national and international relief, and may be used in the discretion of the central committee for mitigating the sufferings caused by war or by any great national or international calamity occurring in time of peace."

Page 3, line 2, after the word "the," insert "American National;" and page 3, line 3, after the word "the," insert the word "emblem;" and in the same line after the word "cross," insert the words "on a white ground." On page 3, line 5, after the word "thereof," insert the words "or the words 'Red Cross' or 'Geneva Cross.'"

Page 3, after line 7, insert the following:

"From and after the 19th of December, 1911, it shall be unlawful for any person, corporation, or association, other than the American National Red Cross and its duly authorized agents, and the sanitary and hospital authorities of the Army and Navy of the United States, and such persons, corporations, and associations as have acquired rights, prior to the passage of this act through the registration of the red cross as a trade-mark in the office of the Commissioner of Patents of the United States, to use, within the territory of the United States of America and its exterior possessions, the emblem of the red cross on a white ground, or any sign or insignia made or colored in imitation thereof, or the words 'Red Cross' or 'Geneva Cross,' for any purposes whatever."

The SPEAKER. Is there objection?

Mr. BARTLETT of Georgia. Reserving the right to object, and not desiring to object to the consideration of this bill until I understand its provisions, I will inquire of the gentleman from Massachusetts [Mr. AMES] what is meant by the bill when it declares that if persons shall do certain things, there named, it shall be an offense against the United States, which are denounced as crimes and punished? Is it intended simply to take jurisdiction of such offenses when committed in the District of Columbia and the Territories and such places over which the United States has exclusive jurisdiction? I will also ask him whether this is an effort to make it a crime in the States to commit the offenses when the United States Congress has no power to create a crime in such States, or to make these acts offenses against the General Government? If so, I am opposed to the bill.

Mr. AMES. Mr. Speaker, this is analogous legislation to that which we have enacted in reference to the use of the flag as an emblem. I do not know that I can more perfectly answer the gentleman's question.

Mr. BARTLETT of Georgia. Mr. Speaker, whenever Congress undertakes to define an offense against the United States and provide the punishment for such act, Congress must somewhere have jurisdiction under the Constitution granting it the power to so designate the act a crime. Now, I would like to inquire of the gentleman, or anyone else interested in this bill, where Congress derives power to say that the use of any emblem of the Red Cross as a trade-mark is a crime which can be punished by Congress, except in the District of Columbia, in the Territories, and in those places over which the United States has exclusive jurisdiction?

Mr. AMES. Does the gentleman not think that the Congress of the United States has power to prevent the improper use of the United States flag excepting in the District of Columbia?

Mr. BARTLETT of Georgia. When you undertake to make it a crime in places over which the United States has no legal jurisdiction, I do not think Congress has any such power; and so far as the flag is concerned, I do not know of any adjudicated cases, but I know that of recent years the Supreme Court of the United States have steadily adhered to the proposition that Congress has no authority to make those acts a crime in the States unless such power is derived from the Constitution, and the Constitution limits the power of Congress to declare what crimes are and the places over which it may exercise criminal jurisdiction. Now, Mr. Speaker, I do not want to stand in the way of any proper amendment to this act incorporating the Red Cross Society.

Mr. AMES. Will the gentleman permit another interruption?

Mr. BARTLETT of Georgia. Yes.

Mr. AMES. This bill is drawn to conform to the terms of a treaty entered into by the United States. It simply carries out its provisions.

Mr. BARTLETT of Georgia. Congress can not by treaty violate the Constitution of the United States any more than Congress can by legislative enactment violate the Constitution of the United States, and possesses no more power in the one case than in the other. That is my view of the matter, and I think it can be sustained by authority. So far as I am concerned, very reluctantly I oppose this bill, but as I have always undertaken to object to this sort of provision, which undertakes to extend to Congress the power of creating offenses and declaring crimes and their punishment, which Congress has no power to do, I must feel constrained, unless it is remedied, to enter my objection against this bill.

The SPEAKER. The gentleman from Georgia objects.

Subsequently,

Mr. BARTLETT of Georgia. Mr. Speaker, I have been appealed to, and I am willing to withdraw my objection to the consideration of the bill and let it be considered at this time.

Mr. GAINES of Tennessee. I want to reserve the right to object.

The SPEAKER. Does the gentleman from Tennessee object?

Mr. GAINES of Tennessee. I reserve the point of order.

The SPEAKER. But does the gentleman object?

Mr. GAINES of Tennessee. If you put it that way, if you force me to make my point of order, then I will not do it. I will withdraw it. I thought I had a right to reserve it.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none. The gentleman can make a point of order to the bill.

Mr. GAINES of Tennessee. I had the right to reserve it also, Mr. Speaker, I thought.

The SPEAKER. What right? Under what rule?

Mr. GAINES of Tennessee. The right to reserve a point of order, because it is done here continually, every day, just as the gentleman from Georgia did a few minutes ago.

The SPEAKER. But there is no point of order pending, and there is no point of order that is not in order now that would have been in order before.

Mr. GAINES of Tennessee. I reserved the right to object to the consideration of the bill. That is what I wanted to do.

The SPEAKER. The Chair did not understand the gentleman.

Mr. GAINES of Tennessee. I am glad the Chair understands me now. I understand the Chair. All I want is for the gentleman to tell me what the bill is. I think I am for it, but I want to know more about it.

Mr. AMES. The bill is to amend an act creating the Red Cross, and the amendment desired is in two particulars only—to provide a way for the disposition by law of the balance of funds contributed for special relief purposes. They do that now under their own rules, but they want the authority of law, as it would be impossible to pro rate small contributions in case some came in after an emergency had passed.

Mr. GAINES of Tennessee. This is the organization whose object is the relief of the army and navy in time of war and for the relief of victims of disasters, and all that sort of thing?

Mr. AMES. Yes.

Mr. GAINES of Tennessee. And now you want a charter from the Federal Government?

Mr. AMES. No; we are trying to prevent the abuse of using the Red Cross emblem for trade purposes. The gentleman will see that it is used for many things—baking powder, and so forth.

Mr. GAINES of Tennessee. Then, I do not make any objection.

Mr. BARTLETT of Georgia. Will the gentleman yield to me for a moment?

Mr. AMES. Certainly.

Mr. BARTLETT of Georgia. This is a matter—

Mr. GAINES of West Virginia. Mr. Speaker, a parliamentary inquiry. Is this bill under consideration?

The SPEAKER. Yes; and so announced by the Chair.

Mr. BARTLETT of Georgia. Mr. Speaker, I very rarely object to the consideration of any bill. I have read the bill, and I am perfectly willing that the House should take it up for consideration, but I do not yield my views on the subject, nor will I vote for the bill as presented, for the reasons I stated when I reserved the objection, and the Chair misunderstood me and thought that I made an objection.

I did not intend to object because of the great, good services to humanity that this organization renders. But, however great its service is to humanity, I am not willing to vote for the bill because, as I said, it undertakes to do what I believe to be illegal and unconstitutional. I believe that if any case ever arises under the bill where a man is indicted for an offense designated in this bill, for which serious punishments are prescribed, they can not sustain a conviction under its provisions. Therefore the rights of everyone who may violate the provisions of the bill are not affected; the courts will take care of that. It is simply the precedent of Congress undertaking to prescribe crime and punishment for acts such as are named in this bill that I object to. Now, Mr. Speaker, having voiced my objections, I shall content myself by not voting for the bill.

Mr. AMES. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this society looks after the sick and wounded in the army and the navy in time of war and in times of epidemic. I am going to vote for this bill.

The provisions may seem severe, but there are people who have been trying to impose upon this society. We know in time of epidemic and in times of war and other trying conditions these charitable people, these good people, are imposed upon, and I think it is the duty of Congress to bar impostors and take care of these people, messengers of love and comfort under the trying conditions.

I am not familiar with the details of the bill; all that I have gotten was from the debate to-day. The provision as to the emblem of the society, the Supreme Court has upheld the state law of Nebraska that makes it a crime to use the flag for advertising purposes. (*Hoalter v. Nebraska*, 205 U. S. R., p. 34, 1907.) The Federal Supreme Court and state supreme court upheld the law, and that being the case, I do not see why we can not pass a similar law and give the Supreme Court a chance to uphold this.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OSAGE TRIBE OF INDIANS.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of S. R. 76, a joint resolution relative to homestead designations, made and to be made, of members of the Osage tribe of Indians.

The joint resolution was read, as follows:

Resolved, etc., That homesteads of members of the Osage tribe of Indians in Oklahoma may consist of land designated from any one or more of their first three allotment selections taken under the act of Congress approved June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," the designation thereof to be subject to approval by the Secretary of the Interior.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, is that a unanimous report of the committee?

Mr. McGUIRE. It is a unanimous report of the committee, recommended by the Secretary of the Interior and desired by him.

Mr. CLARK of Missouri. Is there any objection that you know of on the part of any of the other Oklahoma Representatives?

Mr. McGUIRE. None whatever. I do not know of anyone who has any objection.

Mr. CLARK of Missouri. Do you know that they are in favor of it?

Mr. McGUIRE. I do not know that they are all in favor of it. There is one of the Oklahoma Members who is a member of the Committee on Indian Affairs, and he was there when the bill was reported. My colleague [Mr. CARTER] is a member of the Committee on Indian Affairs.

Mr. CLARK of Missouri. Did Mr. CARTER vote for this report?

Mr. McGUIRE. There was no opposition to it on the committee. I do not know that Mr. CARTER voted for it, but I think he did. Mr. CARTER is here, and he can speak for himself. There was a bill passed in 1906 allotting the Osage Indian lands. They were to designate their homestead from any one of the three allotments. A number of them desired not to take their allotments from one of the three, but a portion from one, two, or all of the three, distributing them, and this is desired by the Indians. There is no opposition anywhere that I know of.

Mr. CARTER. Mr. Speaker, that was a unanimous report of the committee, and I was present; and I think that everybody—the Indians, the committee, and everybody else—all are in favor of it.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. McGUIRE, a motion to reconsider the vote by which the joint resolution passed was laid on the table.

CONDEMNED CANNON FOR CHEYENNE, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 126, authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Cheyenne, in the State of Wyoming, six condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

Mr. SULZER. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. SULZER. Do I understand that this is a Senate bill?

Mr. MONDELL. Yes.

Mr. SULZER. Has it been reported by the Committee on Military Affairs of the House?

Mr. MONDELL. It has, unanimously. It conveys six condemned cannon to the city of Cheyenne, Wyo.

Mr. SULZER. I have no objection to the bill.

The joint resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4027. An act to parole United States prisoners, and for other purposes;

S. 8245. An act to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes;

S. 7226. An act granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla.;

S. 4229. An act for the relief of Capt. John C. Wilson, U. S. Navy, retired;

S. 7298. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901;

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

S. 8918. An act to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907; and

S. 8058. An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior.

INTERNATIONAL FIELD SPORTS, VIENNA.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to discharge the Committee on Military Affairs from the further consideration of the President's message of January 4, 1909, relative to the international field sports in Vienna, and that the same be referred to the Committee on Industrial Arts and Expositions.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts.

The Clerk read as follows:

To discharge the Committee on Military Affairs from further consideration of the President's message of January 4, 1909, relative to the international shooting and field sports exposition in Vienna, and that the same be referred to the Committee on Industrial Arts and Expositions.

The SPEAKER. The gentleman makes the motion by direction of what committee?

Mr. GARDNER of Massachusetts. By direction of the Committee on Industrial Arts and Expositions.

Mr. PERKINS. Mr. Speaker, by direction of the Committee on Foreign Affairs I move to strike out the words "Industrial Arts and Expositions" and insert the words "Committee on Foreign Affairs."

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words "Industrial Arts and Expositions" and insert "Foreign Affairs."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman from New York and myself were about to ask unanimous consent for three minutes in which to explain the reasons for this motion.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the vote be vacated, and also ask unanimous consent that the gentleman from Massachusetts [Mr. GARDNER] may have five minutes if he desires as much, and I may have five minutes, if I desire as much, to explain the matter to the House.

The SPEAKER. The gentleman from New York asks unanimous consent that the action of the House agreeing to the amendment be vacated, and that the gentleman from Massachusetts and the gentleman from New York may have five minutes each for debate. Is there objection?

Mr. CARLIN. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the motion as amended.

The question was taken, and the motion as amended was agreed to.

MONTANA, WYOMING AND SOUTHERN RAILWAY COMPANY.

The SPEAKER laid before the House the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont., with Senate amendments thereto.

The Senate amendments were read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House disagree to the Senate amendments—

Mr. MANN. Mr. Speaker, I make the point of order that the Senate amendments will have to be considered in Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa. Then the bill will have to go to the Committee on Military Affairs if that point of order is sustained.

The SPEAKER. The point of order in the opinion of the Chair is well taken, and the bill will be referred to the Committee on Military Affairs.

RESURVEY OF PUBLIC LANDS.

The SPEAKER laid before the House the bill (H. R. 24835) authorizing the necessary resurvey of public lands, with Senate amendments thereto.

The Senate amendments were read.

Mr. MONDELL. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON.

BUCKET SHOPS.

The SPEAKER laid before the House the bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia" relative to gambling, bucket shops, and bucketing, with Senate amendments thereto.

The Senate amendments were read.

Mr. CAMPBELL. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

INTERNATIONAL FIELD SPORTS IN VIENNA.

Mr. GARDNER of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. GARDNER of Massachusetts. Mr. Speaker, I rise for the purpose of entering a motion of reconsideration on the vote just taken on the reference of a certain message respecting the international field sports in Vienna.

The SPEAKER. The motion will be entered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245), with Mr. CAMPBELL in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs, and preservation of custom-houses, court-houses, and post-offices, quarantine stations and marine hospitals, buildings and wharf at Sitka, Alaska, buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings, and other public buildings and the grounds thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, \$550,000: *Provided*, That of this amount not exceeding \$50,000 may be used for marine hospitals and quarantine stations, including wire screens for same, and not exceeding \$12,000 for the Treasury, Butler, and Winder buildings, at Washington, D. C.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 39, line 8, strike out the word "fifty" and insert in lieu thereof the words "one hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, may I ask the gentleman where the provision for marine hospitals, carried in this item this year but not heretofore, has heretofore been carried?

Mr. TAWNEY. It has always been carried in this provision. The repairs are under the jurisdiction of the Treasury Department, the Supervising Architect. Now we have added the buildings in the quarantine service, owing to the fact that we have taken over the quarantine service in a number of States.

Mr. MANN. It was not carried in this item last year.

Mr. TAWNEY. My bill says it was. I do not know.

Mr. MANN. Well, the gentleman may be like a good many other people. Here is the law, and the gentleman can look at it.

Mr. TAWNEY. The amount carried this year is \$50,000, and the Supervising Architect called on me since this bill was reported and called attention to the fact that \$50,000 would not be sufficient to meet the necessities of the service in view of the fact that the quarantine buildings have all been brought under the jurisdiction of his department, and if the gentleman will read Public Laws, page 254, appropriation for new offices, and so forth, first session Sixtieth Congress, he will find under the provision for repairs and preservation of public buildings the proviso:

That of the sum hereby appropriated \$50,000 may be expended for marine hospitals.

Mr. MANN. Where is that item?

Mr. TAWNEY. In the same paragraph which you have before you.

Mr. MANN. I will read the paragraph through if the gentleman wants me.

Mr. TAWNEY. Well, read it through.

Mr. MANN. For repairs and preservation of public buildings. It is carried in a different place—

Mr. TAWNEY. The language is changed owing to the fact we have changed—

Mr. MANN. Is this purely for repairs?

Mr. TAWNEY. Almost entirely so. Not a dollar can be expended for anything else.

Mr. MANN. Under the language of the proviso you could expend for building new hospitals if you want to do so.

Mr. TAWNEY. No; I do not think the construction of the language would justify that statement. It has never been done; it has all been expended for repairs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Treasury is authorized, until their removal becomes necessary, to rent any building or buildings not reserved by the vendors on lands heretofore or hereafter acquired for building sites or for the enlargement of building sites, the proceeds to be deposited in the Treasury, and a report thereof to be submitted to Congress at the beginning of each regular session thereof.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that paragraph. I want to ask the chairman of the committee what has been the practice heretofore with reference to the buildings?

Mr. TAWNEY. The practice for several years has been to collect these rents and turn them into the Treasury of the

United States; but with buildings in the custody of revenue officers, part of the revenues could be used for certain miscellaneous expenditures made out of these receipts. The law now requires all the proceeds to be covered into the Treasury, instead of part of these proceeds.

Mr. GARRETT. So a part of them only have heretofore been covered into the Treasury?

Mr. TAWNEY. Yes. They were allowed to make certain expenditures out of the proceeds, and the department has found it is better administration to require all the proceeds to be turned into the Treasury, and then specific allowances made for such expenditures as have heretofore been made out of the receipts from the rent of buildings under the control of these custodians.

Mr. GARRETT. This amendment proposes, as I understand, where the Secretary of the Treasury has contracted for a site, and the vendor still is in possession, to permit the Secretary of the Treasury to rent the building that is on the site. In other words, it puts the Federal Government in the real-estate business.

Mr. TAWNEY. Where the Federal Government has acquired title to a building and it is not ready to go on with the construction, it is only a question of whether the building shall be occupied and the occupant required to pay the rent, or allow the occupant to occupy the building free, or allow the building to stand vacant.

Mr. GARRETT. Now, in making contracts with reference to a site, they make provision with reference to the use of the building; do they not do that now?

Mr. TAWNEY. There is no uniform rule, and it seems to me that the provision is a proper one.

Mr. BARTHOLDT. Mr. Chairman, if the gentleman will permit, perhaps I may give some information. Under existing law the Treasury Department has the authority to purchase sites, and if these sites have buildings on them that will not be removed at once the vendor is usually given the privilege of collecting the rent from this building; and heretofore bargains have been made for the use of this building with these vendors, who have the privilege of occupying free of rent, or in consideration of the price of sale, and we have had the matter up in the Committee on Public Buildings and Grounds, and but for this provision in this bill we should have felt as though it was necessary to bring in here a special bill covering that point. It is a very wise provision, in my judgment, that all the rents hereafter collected shall go into the Treasury, and then whatever expense might be incurred should be paid out of the Treasury for these buildings.

Mr. GARRETT. That is the opinion of your committee?

Mr. BARTHOLDT. The unanimous opinion of the committee.

Mr. TAWNEY. I would add to the statement of the gentleman from Missouri the further statement that some years ago the Government bought a site for a post-office building here in the city of Washington, and that is where this provision originated in the first instance. That site is covered with buildings. Now, Congress has not authorized the improvement of that property, and these buildings are all occupied, and the Secretary of the Treasury now has authority to not only rent, but also to make necessary repairs, and there is quite an amount of revenue from rent of those buildings right here in this city.

Mr. COX of Indiana. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Indiana move to strike out the last word?

Mr. COX of Indiana. I move to strike out the last word for the purpose of asking a question. A statement was made on the floor not long ago to the effect that the Government expended annually in the payment of rent in the neighborhood of \$425,000.

Now, can the gentleman from Missouri [Mr. BARTHOLDT] tell about how much revenue the Government receives from rents of buildings such as are now under discussion?

Mr. BARTHOLDT. I am unable to tell, but I am sure the Treasury Department can furnish this information.

Mr. COX of Indiana. I will ask the chairman of the committee.

Mr. BARTHOLDT. When the gentleman refers to the rent of \$400,000, what does he mean?

Mr. COX of Indiana. Public buildings here in the city of Washington.

Mr. BARTHOLDT. Here in the city of Washington?

Mr. COX of Indiana. Yes.

Mr. BARTHOLDT. I am not aware that the Government derives any income from those rents at all.

Mr. COX of Indiana. Has the Government heretofore been collecting any rents from property situated in such way as those now under discussion?

Mr. BARTHOLDT. Very frequently.

Mr. COX of Indiana. Now, can the gentleman give us some probable estimate as to the amount of money?

Mr. BARTHOLDT. I can not.

Mr. TAWNEY. I will say to the gentleman from Indiana [Mr. Cox], in answer to the question, that the Government is expending in the District of Columbia about \$450,000 for rents.

Mr. COX of Indiana. But the question I am trying to get at, if I can get the information, is how much rental does the Government receive from buildings such as contemplated under the provision?

Mr. TAWNEY. If the gentleman will take the hearings before the sundry civil subcommittee, he will find a statement there in full.

Mr. COX of Indiana. It is so voluminous that I have not time to do so.

Mr. TAWNEY. They are indexed. He can readily turn to it. I have not the information at hand.

The Clerk read as follows:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., p. 537, pt. 1): For compensation of skilled draftsmen, civil engineers, computers, and such other services as the Secretary of the Treasury may deem necessary and specially order, to be employed only in the office of the Supervising Architect exclusively to carry into effect public-building legislation *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed \$400,000; for compensation of supervising superintendents, superintendents, and junior superintendents of construction, inspectors of public buildings, and inspectors of mechanical and electrical engineering, in connection with the erection and inspection of work on public buildings, at rates of compensation to be determined by the Secretary of the Treasury, but in no case exceeding those heretofore authorized to be paid out of appropriations for public buildings: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed \$300,000; for compensation of mechanical labor force, including carpenters, plumbers, machinists, and such other services as the Secretary of the Treasury may deem necessary and specially order, including the compensation of superintendents and assistant superintendents of repairs, engaged in work incident to repair of buildings, mechanical equipment, and vaults, safes, and locks, at such rates of compensation as may be determined by the Secretary of the Treasury, but in no case to exceed for any one person the rates current for similar services at the time and in the place where such services are performed: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed \$112,500; for expenses of superintendents, including traveling expenses of inspectors and other officers and employees, on duty in connection with work on public buildings, under orders from the Treasury Department, office rent, and expenses incident thereto, for superintendents, including temporary stenographic and other assistance incident to the preparation of reports and the care of public property, etc.; for commissions to disbursing agents in accordance with law; for cost of advertising; for office supplies, including drafting materials, specially prepared paper, typewriting machines and equipment, stationery, and such other articles and supplies as the Secretary of the Treasury may deem necessary and specially order or approve for the use of the office of the Supervising Architect; for contingencies of every kind and character, including surveys, plaster models, photographs, test-pit borings, mill and shop inspections, compensation and expenses of judges to select plans, care of sites acquired for public buildings, commissions to architects under the provisions of the act approved February 20, 1893, traveling expenses of site agents, recording deeds and other evidences of title, telephone service at completed public buildings for use of custodians, and such other minor and incidental expenses not enumerated, connected solely with work on public buildings and the acquisition of sites, as the Secretary of the Treasury may deem necessary and specially order or approve; in all, for the foregoing objects for general expenses of public buildings, \$800,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers the following amendment, which the Clerk will report.

Mr. MANN. May I ask the gentleman a question in reference to this paragraph and the commissions, and so forth, that are paid under it? The question was raised yesterday in the committee as to how much is paid for the preparation of plans, superintendence, and so forth. The gentleman from Missouri [Mr. CLARK] this morning stated that he was informed that 7½ per cent was taken out of the appropriation for particular buildings for the preparation of plans, and so forth. Now, here is an appropriation of \$800,000 for superintendence and commissions to architects under the Tarsney Act, and so forth. How is the money paid? Out of this appropriation or out of the appropriation for specific buildings?

Mr. TAWNEY. Heretofore the appropriation for the preparation of plans and specifications and office expenses of superintendence was paid out of the appropriation made for each specific building. There was a great deal of complaint on ac-

count of that, and at the last session of Congress a law was enacted or a provision was carried in the public-building act authorizing and directing the Treasury Department to submit estimates at the beginning of each session of Congress of the amount required for preparing plans and specifications for buildings previously authorized or that would be prepared during that year, and also to estimate the amount necessary for superintendence and all incidental expenses and all office expenses connected with the administration of a public-building act.

The amount estimated by the department was \$1,000,000, and the amount recommended by the committee is \$800,000 for the next fiscal year, which amount it is doubtful if it will be sufficient, although, inasmuch as this is an entirely new method of providing for this service, the committee thought that it would be wise to not appropriate the full estimate. After experience under this provision it may not be necessary to expend as much as was estimated.

Mr. CLARK of Missouri. Now, the tax last year was 7½ per cent, to be exact?

Mr. TAWNEY. Yes.

Mr. CLARK of Missouri. Do they take that out of each one of these appropriations?

Mr. TAWNEY. Up to the present time they have; or, not the present time, but up to the time of the enactment of the public-building bill at the last session of Congress. Seven and one-half per cent is not the total amount in each case. I have in mind a case investigated last summer where the amount set aside from the appropriation made for the building was 10 per cent. From now on they can not set aside any of the amount appropriated for the construction of a public building.

Mr. CLARK of Missouri. The gentleman says that that will be the case from now on?

Mr. TAWNEY. Yes; since the enactment of the last public-building law.

Mr. MANN. Did that forbid it?

Mr. TAWNEY. Yes; it is forbidden; and in addition to that, they are required to submit their estimates annually.

Mr. CLARK of Missouri. How do they get their pay anyhow?

Mr. TAWNEY. We carried \$25,000 in the appropriation bill of last session for defraying incidental expenses up to the 1st of July, 1909, and that amount is only about one-fourth of the amount that will be required. We have a deficiency estimate of \$75,000, which will be necessary to cover the remainder of this fiscal year.

Mr. CLARK of Missouri. How does it happen that after Congress makes an appropriation to erect a public building that it takes so long a time to get the thing started? Now, does not that grow out of the hitch in the office of the Supervising Architect of the Treasury?

Mr. TAWNEY. I do not think so. I would like to ask the gentleman another question.

Mr. CLARK of Missouri. Well.

Mr. TAWNEY. Why does it take so long for the people to determine the location of the building after the authority for the purchase of the site and the construction of the building has been given?

Mr. CLARK of Missouri. That is dead easy.

Mr. TAWNEY. That is one of the principal causes of delay. No plans or specifications can be prepared until the site has been selected, and usually the local controversy over the location consumes from six to twelve months.

Mr. CLARK of Missouri. As to the local controversy about the location of the building, it is very easy to clear that up. The various business interests in towns, especially the active real-estate agents, pull and haul and cavort over the selection of sites. I know that is going on in my district in one town now. But there is another town where there was no controversy about the site, or very little. The site was selected, and it took the big end of another year to get them started erecting the building.

Mr. TAWNEY. Now, if the gentleman will permit me right there. I do not think it is fair to make comparison between the facility with which work is done in a private architect's office and the facility with which work is done in the Supervising Architect's Office. You can go to a private architect and employ him to draw plans and specifications for a private building. You know something about the kind of building you want, and the architect can go to work on your plans immediately. He has only one building at that particular time, or he may have only two or three on hand; but here in the office of the Supervising Architect there are now in the course of construction or preparation, and so forth, 175 buildings scattered over all parts of the United States. It is impossible to do the work as expeditiously as in a private office unless we authorize the employment of a force for the Supervising Architect's Office of

sufficient size to prepare these plans all at once. Necessarily, there will be delay.

Mr. CLARK of Missouri. There would be no delay if they would do what I said yesterday they ought to do, and that is to have four, five, or, if necessary, half a dozen, or even a dozen, plans and specifications over there to use a duplicate of one of them whenever you erected a building.

Mr. TAWNEY. I want to suggest right here, if the gentleman will permit me, that would be all very well if all Members of Congress and Senators could be induced to accept the same plan for the same character of building.

Mr. CLARK of Missouri. That is what ought to be done.

Mr. TAWNEY. But as soon as you attempt that local influence is brought to bear upon the Member of Congress and the Senator for a different type of building, so that the office here would have to change its plans all the time.

Mr. CLARK of Missouri. I had a talk with the gentleman from Illinois [Mr. MANN] a little while ago on this subject, and I will say that I picked up some information, as we do always from him, and his suggestion was that if the Architect of the Treasury would go to work and erect business buildings, instead of undertaking to erect monuments to the man that got the appropriation, we would get along better. I see my friend from Iowa, Colonel HEBURN, up, and I want to refresh the memory of the House with a suggestion he made here a year or two ago, as I recollect it, and that first started me to thinking about this. Colonel HEBURN declared upon the floor of the House, as I recollect, that they could take \$500,000, or some sum in that neighborhood, and build a post-office building in the city of Chicago like they build office buildings there that would answer every purpose of the Post-Office Department, as well as a three or four million-dollar house built there after the usual style of building these public buildings.

Mr. HEBURN. Will the gentleman allow me—

Mr. CLARK of Missouri. Yes.

Mr. HEBURN. To correct the statement? I think I said this: That I had been informed that the block on which at that time the Government was building a public building in Chicago was worth \$6,000,000; that the appropriation necessary to complete that building would approximate \$6,000,000, making a total of \$12,000,000 invested in that building; whereas it could take about one-fourth of the amount and erect a modern twenty-story building, such as were all around it, and the Government would get larger floor space and would have \$9,000,000 for buildings in second, third, and fourth class offices.

Mr. MANN. And if the gentleman will permit, we are following his suggestion, and are proposing to erect at Chicago, on the west side, a purely business block, without any frills on it, for the postal service.

Mr. CLARK of Missouri. Now, if the House will bear with me just one minute, I do not want to consume time, but I want to make one general remark about public buildings. That is, that they seem to be built more for ornament than use. Take the Congressional Library. I suppose it is the most beautiful building in the world, and yet the purpose for which that magnificent structure was put up is almost entirely defeated by devoting so much of it to ornamentation, and I enjoy the ornamentation, I suppose, as well as any man who is not a connoisseur of art. I understand the fact to be that they are already pressed over there for a room for their books; and inasmuch as every man who gets a copyright in this country has to furnish them two copies under the law, and as they buy rare books wherever they can find them and have agents in Europe and, I suppose, other parts of the earth hunting up extraordinary books, I do not know whether it is in this bill, but if it is not it will be in one in less than two years, to increase the space in the Congressional Library, that cost \$7,000,000.

Mr. TAWNEY. I will say to the gentleman that that was done two years ago.

Mr. CLARK of Missouri. So much the worse, then; and while it is a fine building to look at, it is not adequate for the purposes for which it was intended.

Mr. TAWNEY. Let me ask the gentleman from Missouri if he does not think there should be a distinction between public buildings and private buildings? For example, if the State of Missouri was about to build a new state capitol, it would not want to take the plans of the capitol in the State of Minnesota, although that capitol is one of the most beautiful in the United States. And your counties, when they build their court-houses, do not build them alone with reference to utility. It is so with public buildings constructed for the use of the Government. Now, I do not know whether it is because of the artistic taste of the people, but it has always been the custom, and I think always will be the custom, in the construction of public buildings to build them so that they will, from an artis-

tic standpoint, to a certain extent, be an honor and a credit to the community in which they are erected.

Mr. CLARK of Missouri. I think of all the buildings that we ever put up, except a penitentiary, a post-office building is the one most thoroughly intended for business.

Mr. TAWNEY. Any more so than the capitol of your State?

Mr. CLARK of Missouri. Oh, yes; the capitol of a State is supposed to be an ornament to the State.

Mr. TAWNEY. Any more so than the county court-house at the county seat?

Mr. CLARK of Missouri. Yes.

Mr. TAWNEY. I fail to see the distinction.

Mr. HEPBURN. I move to strike out the last word. I do so for the purpose of asking the gentleman in charge of this bill if there are no other appropriations than the \$800,000 carried in this paragraph for the use of the Architect of the Treasury?

Mr. TAWNEY. There is in the legislative bill a provision for the permanent administrative force; that is, the force that is there all the time to carry on the regular work of the office—the Supervising Architect's Bureau. Aside from that there is no other appropriation available for the payment of the cost of administering the public-buildings act passed by Congress.

Mr. HEPBURN. That was how much?

Mr. TAWNEY. Eighty-one thousand dollars is the amount carried in the legislative bill.

Mr. HEPBURN. Now, I want to ask the gentleman if he is positive that no part—5 per cent, for instance, as heretofore—of the appropriation made for public buildings in this bill can be used for this purpose?

Mr. TAWNEY. I will say to the gentleman that I am positive. I had something to do with drafting the provision that went into the public-buildings bill in the last session of Congress, for the purpose of putting a stop to the custom of deducting from appropriations made for the construction of public buildings throughout the country the amount necessary in the administration of the law.

There is no other fund or appropriation in this bill that is available for the payment of any part of that expense. Even the expense incurred under the Tarsney Act must be paid out of this \$800,000.

Mr. GOULDEN. I would like to ask for information why the appropriation for the completion of these various buildings are made in piecemeal; why they are not made at the session when the original bill is passed, or why, when it comes from the Committee on Public Buildings and Grounds, it should not include the total cost of each building, so that the contract might be let for the whole building to be erected as speedily as practicable?

Mr. TAWNEY. I think my friend from New York is a good business man. If he should authorize the construction of a large building, the construction of which would cover a period of years, I doubt if he would take out of his current revenue the total amount necessary to construct that building, and thereby, perhaps, cripple his means for several years thereafter. The appropriations are made as the work progresses. The amount is appropriated each year equal to an amount which the Supervising Architect estimates can be expended.

Mr. GOULDEN. But many of these buildings are small, costing \$50,000, or \$75,000, or \$100,000, and it would seem that they could all be built within one or two years. I have very grave doubt whether the Government saves money by so doing, but rather otherwise.

Mr. TAWNEY. Our experience shows that it can not be done, and for that reason we appropriate for the amount of work that can be done in each given fiscal year.

Mr. GOULDEN. I will agree with the gentleman from Minnesota that the larger buildings could not be constructed in so brief a time, but the smaller buildings costing \$100,000 or less I think could be. I do not think that the present method is of any advantage to the Government, but is a distinct disadvantage, and I would not be surprised if it was an actual loss to the Government of as much as 10 per cent on the cost of the building. The same business tact and knowledge should be applied to government work that prevails in private contract.

Mr. SABATH. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. A point of order is pending.

Mr. MANN. I will withdraw the point of order.

Mr. SABATH. Mr. Chairman, I notice that this appropriation calls for \$800,000, which means more than 7 per cent of the amount to be expended. We all know that it does not cost more than 3 to 5 per cent for making plans, specifications, and the supervising of the construction of buildings. Now, I do not understand—

Mr. TAWNEY. I do not exactly comprehend how the gentleman figures the percentage on the total appropriation. The total appropriation for public buildings is about \$18,000,000.

Mr. SABATH. The report shows that you will not expend more than ten or fifteen millions.

Mr. TAWNEY. Oh, no; specific appropriations are made aggregating the amount I named.

Mr. SABATH. But Mr. Taylor made the statement before the subcommittee that it would not amount to more than \$15,000,000. Inasmuch as you have been appropriating for buildings that could not be erected during the fiscal year, I can not understand why it is necessary for us to pay 3 to 4 per cent more than any private concern or private corporation would pay for the same work.

Mr. TAWNEY. Even on the gentleman's own statement and the statement of the Supervising Architect as to the amount that can be expended, the gentleman's computation is inaccurate. If the amount is \$12,000,000, \$800,000 would be only a little over 5 per cent.

Mr. SABATH. The gentleman [Mr. TAWNEY] is mistaken; it is nearly 7 per cent; or, to be correct, 6.6 per cent.

Mr. TAWNEY. Another factor the gentleman has lost sight of, and that is that out of this \$800,000 is to be paid the services incident to the administration of the appropriation for repairs on public buildings.

Mr. SABATH. The gentleman says a part of the \$800,000 is used for the purpose of repairs on public buildings?

Mr. TAWNEY. No; I said it was used in the administration of the appropriation made for repairs, not for the repairs themselves, but for personal services in connection with the administration for repairs.

Mr. MANN. A part of it is used, under the last public-building act, with reference to the purchase of a site on the west side, very close to the gentleman's district, if not in it, for the new public building.

Mr. SABATH. I do not quite hear the gentleman.

Mr. MANN. A part of this appropriation is for the purpose of carrying out the public-building act to provide for the public building on the west side of the city of Chicago.

Mr. SABATH. I hope that the Supervising Architect and the consulting architects will use better judgment than they did on the post-office building in Chicago.

Mr. MANN. If the gentleman had been in the House very long, he would not have made that remark to me. [Laughter.]

Mr. SABATH. I am not making it to the gentleman from Illinois, but for the benefit of the department, because before the building was completed everyone in Chicago knew that the post-office building would not be large enough, nor would it be a building that would comply with the requirements of the business in the city of Chicago. I am afraid this department is committing a great many other such errors.

Mr. MANN. This department can not be charged with any responsibility for the present building in Chicago, because at the request of the Members of Congress in both Houses at the time the public building was provided for in Chicago it was provided that they should select an outside architect, and an outside Chicago architect is responsible for the utter inadequacy and inartistic qualities of the building.

Mr. SABATH. But the department retained the supervision, did it not?

Mr. MANN. Not at all. It was provided that all the work of supervision should be under this outside architect, and the department did not have the responsibility of it.

Mr. SABATH. Was the fence around that building also erected under the supervision of the Chicago architect?

Mr. MANN. It was.

Mr. GOULDEN. He was a Chicago architect, was he?

Mr. MANN. I regret to say that he was a Chicago architect.

Mr. SABATH. I notice under this act that \$200,000 is also appropriated for outside architects.

Mr. MANN. I do not know to what item the gentleman has reference.

Mr. SABATH. Under the so-called "special act." Is not that true?

Mr. TAWNEY. What is the gentleman's question?

Mr. SABATH. That we are appropriating \$200,000 under this act for outside architects.

Mr. TAWNEY. Yes; under the Tarsney Act. That is \$200,000 included in the \$800,000; that amount is set aside for expenses under the Tarsney Act.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Will the gentleman from Illinois [Mr. MANN]

please tell the House where they got the architect who bungled up that Chicago post-office building?

Mr. MANN. He was appointed by the last Secretary of the Treasury under the Cleveland administration.

Mr. GAINES of Tennessee. Where did he come from?

Mr. MANN. From Chicago.

Mr. GAINES of Tennessee. I understood he did not come from Chicago.

Mr. MANN. The gentleman's understanding was wrong.

Mr. FITZGERALD. Why did they not get one from New York?

Mr. MADDEN. He now lives in New York. [Laughter.]

Mr. MANN. He was a Chicago architect and built one of the World's Fair buildings.

Mr. GAINES of Tennessee. I understood the gentleman to say a moment ago to his colleague [Mr. SABATH] that the architect who put up that building did not live in Chicago, but the one who put up the fence did live in Chicago.

Mr. MANN. The gentleman understood me incorrectly.

Mr. GAINES of Tennessee. What are the facts?

Mr. MANN. The facts are that Congress provided that a Chicago architect should be selected to draw the plans for the building and supervise the construction of the building. That was done. The architect was named by the Secretary of the Treasury just as the Cleveland administration went out. There is no criticism on the Secretary of the Treasury for naming the architect. He made a mistake, I think myself.

Mr. GAINES of Tennessee. Does the gentleman think all the best architects in the United States live in the city of New York?

Mr. FITZGERALD. Sure! [Laughter.]

Mr. MANN. I am informed that this architect of whom we are speaking now lives in New York, and my own personal opinion is that he does not contribute anything at all to the best architecture of the country.

Mr. SABATH. But I would like to inform the gentleman from Tennessee that the post-office was not completed under Mr. Cleveland's administration.

Mr. GAINES of Tennessee. Oh, I do not uphold the Cleveland administration in a wrong, or any other administration. I think the Democrats have less right to do wrong than the Republicans.

Mr. MANN. Oh, I was not trying to bring in any partisanship about this matter. I was simply giving information.

Mr. GAINES of Tennessee. I understand that entirely. I have heard a great deal of talk about the failure of that post-office to come up to what it should have come up to, and I am trying to get at who caused the trouble, or who did not put it up right. Does the gentleman from Illinois, who has had experience evidently in this kind of business, think we should go outside of the corps of architects that we have down here in the Treasury and employ outside architects to do this work?

Mr. MANN. Congress provided by the Tarsney Act in 1893 that that ought to be done in various cases, because it provided the power of doing it, and I have no doubt that there are many cases where it is desirable to employ outside architects.

Mr. GAINES of Tennessee. Oh, well, to carry on the local work of executing the plans.

Mr. MANN. No; to prepare the plans. I would not have all the government buildings emanate from the same brain as to style of architecture.

Mr. GAINES of Tennessee. I understand there are a number of architects down there, and they are good ones and gentlemen. They put up a beautiful piece of work in the city of Nashville, the annex to the old custom-house. It could hardly be made more beautiful, even if you got the architect from Chicago or New York. It is as beautiful as can be for the money.

Now, I do not see why it is we should use thousands and thousands of dollars in going around over the country importing some architects to carry out the plans that are made in the Treasury building.

Mr. MANN. We leave it in the discretion of the Supervising Architect to get these outside persons.

Mr. GAINES of Tennessee. Are these plans and specifications prepared in the Treasury building by our own artists?

Mr. MANN. As a rule.

Mr. GAINES of Tennessee. Are not they all practically prepared there?

Mr. MANN. As a rule.

Mr. GAINES of Tennessee. Then, what does the outside architect have to do?

Mr. MANN. They do not have anything to do unless the Supervising Architect engages an outside architect to prepare the plans and supervise the erection of some particular building.

Mr. GAINES of Tennessee. One final question. How much was that Chicago architect paid to put up this building?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask that my time be extended—

Mr. TAWNEY. Mr. Chairman, I object to any further extension of time on this question.

Mr. GAINES of Tennessee. I think it is well enough sometimes to revive ancient history, Mr. Chairman, and I move to strike out the paragraph. Now, will the gentleman from Chicago tell me how much this architect was paid in Chicago to put up this building?

Mr. MANN. I am unable to tell the gentleman. There was a contract entered into in accordance with the provisions of the law.

Mr. GAINES of Tennessee. Can the gentleman's colleague [Mr. MADDEN] inform us on this question?

Mr. MADDEN. I can not tell the exact figures.

Mr. GAINES of Tennessee. I still stick to the proposition I made yesterday. I may be mistaken, but I am almost certain I am not, that these architects are paid at the rate of 10 to 15 per cent commission on the value of the contract, and they are paid extra every time the plans are changed. My recollection is that is the case in the remodeling of the White House and the rebuilding at Annapolis, and I take it it is the rule—

Mr. MANN. I may say to the gentleman I think he is in error on this proposition. I think that wherever an outside architect is employed he is employed at the rate of commission fixed by the American Institute of Architects—

Mr. GAINES of Tennessee. That is true.

Mr. MANN. Which is about 5 per cent.

Mr. MADDEN. Three and a half to 5 per cent.

Mr. MANN. And no higher rate.

Mr. GAINES of Tennessee. I stand corrected—

Mr. MANN. And that is entirely abolished under this paragraph.

Mr. GAINES of Tennessee. But I am going to look up that 15 per cent proposition, and I will put the result of it in the RECORD. However, I am going to look it up to ascertain if I am correct, but I hope I am wrong.

Mr. MANN. I may say to my friend that is changed in the paragraph we are now discussing.

Mr. GAINES of Tennessee. All right, I am glad to hear it.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois first.

The Clerk read as follows:

On page 43, line 2, after the word "machines," insert the words "and exchange the same."

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I simply wish to say in connection with this matter that the outside architects employed by the Treasury Department to design buildings and superintend their construction are employed at a given percentage on the cost of the building. If they only designed a building, the percentage is about one-half what it is if they design and superintend, and the outside percentage of the cost is fixed by the American Institute of Architects at not to exceed 5 per cent of the cost. I wish to say in this connection with the architect employed to design the building is required to furnish his own offices, all his own draftsmen and engineers, and pay them out of the compensation he receives from the Government. If these outside architects were not employed, a very large additional force would be required to be employed in the Treasury Department under the direction of the Supervising Architect of the Treasury, and it is a question whether the employment of this additional force would not cost the Government more money than it pays for the employment of outside architects. The employment of outside architects, too, enables the Government to get different designs of buildings throughout the country. If they were all designed in the Treasury Department, they would all have the appearance of a cheese box, perhaps—all look alike—and the art feature of the buildings would not be discernible by the people of the country. The purpose of the employment of these architects is to get a variety of designs, to show the various characteristics of architecture, to encourage competition in the art, and to create a better condition of things in the erection of buildings throughout the country.

And I may say that the architects so employed are usually so employed as the result of competition. The Supervising Architect of the Treasury Department requires the submission of plans from a number of architects throughout the country whenever a public building is to be erected of any consequence,

and the man submitting the best plan is usually appointed the architect for that particular building. My judgment is that it does not cost the Government any more money than it would cost if we did not employ outside talent at all. I am certain that we get better results in the very character of our architecture than we would get if we did not employ such talent. So the objection made by my colleague from Illinois [Mr. SABATH] to the appropriation of the fund for the employment of outside talent is not well taken, in my judgment.

Mr. SABATH. Will the gentleman yield?

Mr. MADDEN. Oh, certainly.

Mr. SABATH. I have not objected to the engaging of the outside architects, but I do object, and I agree with the gentleman from Illinois, that the bureau is in the hands of incompetent men.

Mr. MADDEN. I can not agree to that statement at all. I think the Supervising Architect is a man of superior ability, fully up to the standard required for the place he occupies.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I withdraw my amendment to strike out the paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12499. An act for the relief of Clarence Frederick Chapman, U. S. Navy; and

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 103.

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 1,500 additional copies of the final report of the Jamestown Tercentennial Commission, embodying the reports of the various officers of the Jamestown Exposition, held at Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives.

Also,

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907.

Senate concurrent resolution 102.

Resolved by the Senate (the House of Representatives concurring). That there be printed 15,000 additional copies of Senate document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House reports of 1888, 1890, 1894, and 1897; 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. FLINT, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TAYLOR as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the rate of \$70 per month each for the No. 1 surfman in each station, and at the rate of \$65 per month for each of the other surfmen during the period of actual employment, and \$3 per day for each occasion of service at other times; rations or commutation thereof for keepers and surfmen; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed

\$10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, \$2,087,040.

Mr. THOMAS of North Carolina. Mr. Chairman, some time ago the legislature of North Carolina passed a resolution calling upon the representatives of the State of North Carolina in Congress to vote for and advocate pensions for the men of the crews of the Life-Saving Service.

Mr. Chairman, since I have been a Member of Congress I have constantly and persistently, in season and out of season, upon the floor of the House and before the Committee on Interstate and Foreign Commerce, advocated pensions for the men of the Life-Saving Service for disability incurred by them in the line of duty. I shall continue to advocate such a measure so long as I represent the State of North Carolina in part and as long as I am a Member of this House.

Mr. GOULDEN. Has the gentleman introduced a bill for that purpose, may I be allowed to inquire?

Mr. THOMAS of North Carolina. I have, sir. That is my recollection. If I have not introduced a bill, I have advocated such a bill before the Committee on Interstate and Foreign Commerce, and my remarks are printed in the committee hearings.

Mr. Chairman, this service is one of the most meritorious of all the branches of the government service. The life-savers are the friends of the human race. A great reputation was made by "Sunset" Cox, from the State of my friend [Mr. GOULDEN], New York, in his early service in Congress in the advocacy of the Life-Saving Service.

Now, Mr. Chairman, the present law, the act of May 4, 1882, provides:

That if any keeper or member of a crew of a life-saving or lifeboat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable, but in no case shall said disabled keeper or member of a crew be continued upon the rolls or pay for a longer period than two years.

Also the present law provides:

That if any keeper or member of a crew of a life-saving or lifeboat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under 16 years of age, such widow and child or children shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly, as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service.

Mr. GOULDEN. Two years is the limit, however?

Mr. THOMAS of North Carolina. That is the limit.

Mr. GOULDEN. In both cases?

Mr. THOMAS of North Carolina. In both cases. This provision, Mr. Chairman, of the act of May 4, 1882, is all the provision made for the men and the families of the men of the Life-Saving Service who are disabled or die in the line of duty.

Mr. SHERLEY. Will the gentleman permit a suggestion right there?

Mr. THOMAS of North Carolina. I will, sir.

Mr. SHERLEY. That is further qualified also by the fact that the comptroller has held that where a man has had sick leave, that such leave is to be deducted from the year's pay if the inability to perform service is due to the same cause for which he obtained his sick leave.

Mr. THOMAS of North Carolina. That is true, and I think the hearing before the Committee on Appropriations, of which the gentleman is a member, shows that he had a captain of a life-saving crew in his district, of long and meritorious service, who was subjected to such deduction of pay.

Mr. SHERLEY. The gentleman to whom my friend refers is still actively in the service, but from time to time he has had to have sick leave. Now, if he was retired, and he has had very long and distinguished service, and should undertake to claim this benefit, it would practically be no benefit, owing to the long term of sick leave that would have to be deducted.

Mr. THOMAS of North Carolina. It is entirely correct, that when he comes to claim the benefit of the existing law he gets the benefit less the allowance he has had for absence on account of sickness. Now, Mr. Chairman, I have no desire to detain the committee. There is a bill now pending before Congress which provides for pensions for the superintendents and crews of the Life-Saving Service. This bill is Senate bill 25, and I am going to ask leave to print that bill as a part of my remarks instead of offering it as an amendment to the sundry civil bill, because I know it would be subject to a point of order if offered as an amendment to an appropriation bill.

But, Mr. Chairman, before I ask that leave, I want to say, in conclusion, that I hope this bill some day, or some similar bill, will receive favorable action. There has been some fear that pensions for the Life-Saving Service may lead to a civil pension list. I am as much opposed to a civil pension list as anybody; but the men in the Life-Saving Service are not in the same class with men who are clerks in the government service; and the Life-Saving Service can be differentiated from any other service or any other branch of the government service. I hope that some bill to pension the men of the Life-Saving Service will some day be passed by this House, and that just provision will be made for the heroic men and their families of this humane service. [Applause.]

Now, Mr. Chairman, I ask unanimous consent to print the bill, and also a resolution of the North Carolina legislature, as part of my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The bill is as follows:

A bill (S. 25) to promote the efficiency of the Life-Saving Service.

Be it enacted, etc., That a retired list of the following-named officers and surfmen of the Life-Saving Service of the United States, namely, superintendents of life-saving districts, keepers of life-saving stations, and members of life-saving crews, is hereby created, and officers and surfmen placed upon the retired list shall receive thereafter 75 per cent of the compensation of the grade held by them at the date of retirement.

SEC. 2. That when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew in the Life-Saving Service has served thirty years in said service, he may, upon his own application, in the discretion of the Secretary of the Treasury, be placed on the retired list; when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew is 64 years of age he shall be placed upon the retired list by the Secretary of the Treasury; and when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew has become incapable of performing the duties of his position he shall be either placed on the retired list or dropped from the service by the Secretary of the Treasury as hereinafter provided.

SEC. 3. That the Secretary of the Treasury shall, from time to time, assemble a Life-Saving Service retiring board, composed of one superintendent of a life-saving district, one assistant inspector in the Life-Saving Service, and one medical officer of the Public Health and Marine-Hospital Service, for the purpose of examining and reporting upon such officers and surfmen of the Life-Saving Service as may be ordered by the Secretary of the Treasury to appear before it, or who may hereafter be disabled in the service, and the members of said board shall be sworn in every case to discharge their duties honestly and impartially, and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer or surfman who appears to be incapable of performing the duties of his position, and shall have such powers as may be necessary for the purpose; and when the board finds an officer or surfman incapacitated for active service, it shall also find and report the cause which, in its judgment has produced the incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury for his approval or disapproval.

SEC. 4. That when the board finds that an officer or surfman is incapacitated for active service and that his incapacity is the result of an incident of service, or is due to the infirmities of age or physical or mental disability, and not to his own vicious habits, and such decision is approved by the Secretary of the Treasury, the officer or surfman shall be placed on the retired list: *Provided*, That no person shall receive for the same time retired pay and the extra pay allowed to keepers and surfmen by section 7 of the act approved May 4, 1882. Officers and surfmen thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury, and when so employed shall receive the full pay of their respective grades.

SEC. 5. That when a board finds an officer or surfman is incapacitated for active service, and that such incapacity is the result of his own vicious habits and not due to any incident of service, and its decision shall be approved by the Secretary of the Treasury, the officer or surfman shall be dropped from the service.

SEC. 6. That all laws inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed.

The resolution referred to is as follows:

Resolution 18.

Resolution (H. R. 83; S. R. 388) instructing our Senators and Representatives in Congress to favor the passage of an act for the relief of disabled members of the United States Life-Saving Service.

Whereas the employees of the United States Life-Saving Service are constantly in danger of and often losing their lives in the performance of their hazardous duties in their efforts to save and protect the lives and property of shipwrecked seamen; and

Whereas by reason of the dangers and exposure to which their duties call them they often sacrifice their lives to save the lives of unfortunate mariners, thus constantly making widows and orphans, leaving them helpless and destitute; and

Whereas the United States Congress has already provided some measure of relief: Therefore be it

Resolved by the house of representatives (the senate concurring), That our Senators and Representatives from North Carolina in the United States Congress be, and they are hereby, instructed to urge the passage of an act to amend sections 7 and 8 of an act of Congress approved May 4, 1882, so as to provide that any person who has heretofore or may hereafter be discharged from the United States Life-Saving Service by reason of injury sustained or disability contracted while in the actual performance of their duties in the service shall be entitled to receive an amount equal to 50 per cent of wages received at date of discharge: *Providing also*, That surfmen and keepers of United States life-saving stations may retire at the age of 60 years, or after having served continuously for twenty years, and be entitled to receive an amount equal to 50 per cent of the wages received at the date of such retirement.

That copies of this resolution be transmitted to each of our Senators and Representatives in the United States Congress immediately after the same is adopted.

In the general assembly read three times and ratified this the 18th day of February, 1909.

W. C. NEWLAND,
President of the Senate.

A. W. GRAHAM,
Speaker of the House of Representatives.

Enrolled and read by Annie Morel.

Proof read by E. Taylor.

Examined and found correct by E. A. Hawes, jr., for committee.

Mr. THOMAS of North Carolina. Now, I yield to the gentleman from South Carolina.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I understood the gentleman to say that he was as much opposed to a civil-service pension list as anybody.

Mr. GOULDEN. I ask unanimous consent that the gentleman may have further time.

The CHAIRMAN. Without objection, the gentleman will be recognized for two minutes more.

Mr. JOHNSON of South Carolina. Are these people not civil employees?

Mr. THOMAS of North Carolina. Why, yes; they are civil employees, but they are men who fight the storm and the tempest; they are men whose lives are constantly in jeopardy, and they are men whose lives are in jeopardy for the saving of the lives of others. I differentiate the employees of this service from any other branch of the government service.

Mr. JOHNSON of South Carolina. But the railway postal clerks are engaged in hazardous duties, also.

Mr. THOMAS of North Carolina. Well, I will say to the gentleman that when the railway mail clerk's life is in jeopardy it is caused by accident. When the storm arises, it is caused by the Almighty Himself and there is no way of controlling it. It can not be controlled by any human agency; and these brave and heroic men who patrol the coast in the darkness and storm, standing there as sentinels to protect human life, ought to be put in a different class, so far as a pension list is concerned, from any other employees of the Government.

Mr. JOHNSON of South Carolina. I have not a word to say against the merits of the people who are engaged in the hazardous work of a life-saving service. But, Mr. Chairman, if we should adopt a system of pensioning any class of people engaged in the civil work, you have opened a door. There are thousands of people all over this country to-day who are advocating a civil-service pension list. We have already—and the gentleman from North Carolina voted for it—

Mr. THOMAS of North Carolina. What is that? I did not catch that remark.

Mr. JOHNSON of South Carolina (continuing). We have already provided what is in substantial effect a civil-pension list for the Revenue-Cutter Service—

Mr. THOMAS of North Carolina. Yes; I voted for the Revenue-Cutter Service bill, but it did not create a civil-pension list.

Mr. JOHNSON of South Carolina (continuing). Upon the plea that these men were engaged in a dangerous work. The next step is easy; that the people in the Life-Saving Service shall also be provided for. When we shall have taken that step we will be confronted with the proposition that the railway mail clerks endanger their lives on every trip they make.

And then these employees in the departments here in Washington who have worn out their lives, as they claim, in the service of the people will say that the Government should take care of them in their old age.

I see in the papers this morning that somebody is going to report favorably a bill providing for a retired pension list for the worn-out clerks.

Mr. THOMAS of North Carolina. I will say to the gentleman that I would not favor such a bill. Further, in response to the gentleman's suggestion about the revenue-cutter bill, I

will say that that was not a civil pension bill. That provided for graduated pay and for retirement of the officers of the Revenue-Cutter Service.

Mr. JOHNSON of South Carolina. Oh, I am perfectly familiar with the bill.

Mr. DAWSON. If the gentleman will allow me, I want to correct an erroneous statement that the gentleman made with regard to the bill which is proposed to be reported, to which he has just referred, relating to the clerks in the departments in Washington. Instead of being a civil pension bill, that is an annuity bill, not in the nature of a pension at all. It proposes that each individual clerk shall have set aside from his pay a sufficient sum to enable him on reaching a certain age to purchase an annuity.

Mr. JOHNSON of South Carolina. I hope the gentleman will not retire from the arena until the battle is over. Does not the bill to which the gentleman refers provide that if this fund is found insufficient, it shall be supplemented by an appropriation from the Treasury?

Mr. DAWSON. Not necessarily.

Mr. JOHNSON of South Carolina. In other words, you have no fund upon which to start. The proposition is that these clerks shall pay a certain percentage of their salaries, which at 3½ per cent, compounded semiannually, would produce a certain annuity. But your bill provides that until this fund accumulates, it shall be supplemented by an appropriation from the Treasury. Is not that a fact?

Mr. DAWSON. The underlying principle of the bill is not to pension civil employees, but to compel them to provide an annuity against old age.

Mr. JOHNSON of South Carolina. A compulsory insurance company.

Mr. DAWSON. In effect, or rather a compulsory savings bank.

Mr. JOHNSON of South Carolina. By which the Government of the United States undertakes to borrow money at 3½ per cent, compounded semiannually. That is better than the insurance companies do for those of us who insure voluntarily. If the Government can borrow money at the rate of 2 per cent, and it installs an insurance department for government clerks at 3½ per cent compound interest, you may call it what you please, but it is the Treasury of the United States coming to the rescue of these people.

Now, to recur to the bill to which the gentleman from North Carolina refers. The vice in this bill is in the fact that while it is not called a civil-pension bill it is that in substance and in effect. If the members of the committee will examine the hearings before the subcommittee that made up this bill, they will find that it provides for a waiting list; that men who have been in the service for a certain length of time may be placed upon waiting orders. That is what the bill calls it, but it is in substance and effect a civil pension, and that fact was brought out in the hearings.

Mr. MANN. Which bill does the gentleman refer to?

Mr. JOHNSON of South Carolina. The bill to permit the enlisted men of the Revenue-Cutter Service to be placed upon waiting orders, which bill was passed at the first session of the Sixtieth Congress.

Mr. MANN. I thought the gentleman was talking about the bill now pending.

Mr. THOMAS of North Carolina. The gentleman has taken a wide range in his speech.

Mr. JOHNSON of South Carolina. I have a right to do so in the Committee of the Whole.

Mr. THOMAS of North Carolina. The gentleman has discussed a civil-service pension list for the clerks in the departments, and he has discussed the Revenue-Cutter Service bill. The bill which I discussed before the committee was a bill to pension the employees of the Life-Saving Service. I explained to the gentleman that I favored the bill for the retirement of the officers of the Revenue-Cutter Service and to give them graduated pay.

Mr. JOHNSON of South Carolina. I understand that perfectly.

Mr. THOMAS of North Carolina. I will say to the gentleman that I would be opposed to any civil-pension list; but so far as pensioning the men in the Life-Saving Service is concerned, I am for it, and expect to stand for it as long as I represent the State of North Carolina in Congress.

Mr. JOHNSON of South Carolina. That is exactly what I am complaining about—that the gentleman says he is opposed to a civil-pension list, and then he advocates it when called by some other name.

Mr. THOMAS of North Carolina. Mr. Chairman, this Life-Saving Service pension bill, I wish to say to the gentleman from

South Carolina, provides for pensions, it is true, but it is not a civil-pension list. Such a list would include all government employees. The bill provides only that the men of the Life-Saving Service shall be placed on the retired list when incapacitated by reason of disability incurred in the line of duty in the service, and that they shall receive thereafter 75 per cent of the pay of the grade held by them at the time of disability. Their disability is to be passed upon by a board, and the proceedings and decisions of the board are to be transmitted to the Secretary of the Treasury for approval. The bill explains itself. I do not advocate a civil-pension list; and so far as the Revenue-Cutter Service pension bill is concerned, I have explained that fully.

Mr. GOULDEN. Mr. Chairman, I want to say to the gentleman from North Carolina that there is a bill to be reported by the Committee on Reform in the Civil Service, favoring annuities for all government employees, which I think will cause the gentleman to change his mind completely on that subject.

Mr. THOMAS of North Carolina. I am not prepared to advocate a pension for clerks, but I am for this Life-Saving Service bill.

The Clerk read as follows:

Not exceeding \$10,500 of the unexpended balance of appropriations for establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States authorized by law, or so much as may be necessary, are hereby made immediately available for the construction of a life-saving station suitable for exhibition purposes on the grounds of the Alaska-Yukon-Pacific Exposition.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph just read.

Mr. SMITH of Iowa. Mr. Chairman, the construction of this life-saving station has been expressly authorized by act of Congress. The only necessity for this legislation is that it was supposed by the Life-Saving Service that they could build this station out of their appropriation, but the accounting officer of the Treasury held that it would have to be built out of the appropriation for the exposition. Unfortunately, at the time the ruling was made by the accounting officer, the appropriation in control of the Supervising Architect for the exposition was exhausted.

Mr. MACON. Was there an obligation on the part of the Government under existing law to construct it?

Mr. SMITH of Iowa. No; I think the act expressly provided that the life-saving station should be provided—

Mr. MACON. And they used it for other purposes?

Mr. SMITH of Iowa. In one sense the gentleman is correct, but I want to call attention to the fact that this exposition, unlike all other American expositions, has declined to ask any loan from the Government of the United States and has declined to ask the Government to participate at all in the ordinary sense of contributing generally to the exposition. All it has asked of the Government is to give a governmental exhibit. No other exposition has been conducted on that principle. Now, everybody who has attended any of these expositions realizes that this life-saving exhibit is of great interest to the average citizen, and to deprive them of this little portion of a show that was promised them in the act that was passed, by reason of a mere controversy over the accounting in the Treasury Department, when more enterprise has been displayed by this exposition company than any other in American history, it seems to me would be ungracious.

Mr. MACON. Mr. Chairman, what the gentleman says appeals to me in many ways. Since I have been a Member of Congress I have consistently and continuously voted against appropriations of money belonging to the whole people of the United States in order to furnish entertainment for a part of the people of the United States, and, I may say, to a very small percentage of them at that. Perhaps the great exposition that was celebrated at St. Louis called the "World's Fair" did not furnish entertainment for one-tenth of the population of the United States. That is my position on and reason for questioning and voting against appropriations of this sort. But since the gentleman from Iowa has said that this particular exposition company has in nowise attempted to beg or persuade the Government to give it anything in order to enable it to make a show for the people who can and will attend it, I am going to withdraw the point of order as a matter of encouragement for that kind of conduct upon the part of other organizations that want to give entertainments for the people in their respective communities. I withdraw the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURTON of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bills of the following

titles, in which the concurrence of the House of Representatives was requested:

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

ENGRAVING AND PRINTING.

For labor and expenses of engraving and printing: For salaries of all necessary employees, other than plate printers and plate printers' assistants, \$1,200,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word to ask what the purpose of that provision is about not printing larger notes?

Mr. SMITH of Iowa. Mr. Chairman, I will state that that provision has been carried for a great many years. Personally I think it might as well be dropped, but the gentleman is aware that at one time there was a belief in the country that small notes were better for the mass of people than large notes, and consequently at the time when that notion was very prevalent and in the fear that the Government would gradually get the money into such large notes that the average citizen could not get hold of any of it this provision was put in. I do not think it affects the actual circulation a particle now, but it has behind it its traditions, and I do not think it is wise to attempt to drop it out at this late day.

Mr. BENNET of New York. I am sorry to say that it does not cause me any personal inconvenience. I withdraw the pro forma amendment.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, \$42,000, of which sum not exceeding \$1,500 may be used for rent of building.

Mr. HITCHCOCK. Mr. Chairman, I would like to inquire of the chairman of this committee, or the gentleman in charge of the bill at this time, how long these researches are to be continued, and what good is being derived as a result of this annual expenditure?

Mr. SMITH of Iowa. Mr. Chairman, I may say that as far as I am personally concerned I have often made the inquiry when these investigations would be ended and never have been able to obtain satisfactory light on that subject. As the gentleman is probably aware, the work of this bureau is largely the collection of the folk-lore of the Indians. In place of having exhausted the sources they claim that there is an abundance of material yet to be worked upon and are constantly demanding an increase of this appropriation and are constantly bringing upon the committee great pressure to secure such increase. It has only been by steadily standing out against the further expenditure of money in this direction that the committee has been able to keep the appropriation down approximately to what it has been in recent years.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Iowa a question in connection with that item. Is it true or not true that there has been a tremendous growth in the ratio of salaried officials in the bureau that is conducting these investigations in proportion to the amount of work done?

Mr. SMITH of Iowa. I do not think so. My judgment is that it is not true.

Mr. SLAYDEN. Then it is an exceptional bureau, is it not?

Mr. SMITH of Iowa. Well, I do not think there has been any growth in the salaries in this bureau, but they never get done with anything. That is my criticism.

Mr. HITCHCOCK. Mr. Chairman, I move to strike out the paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I hope that that will not be done. A part of this work, I might say, if the gentleman will permit me, in further answer to his question, has only just been inaugurated—the part of the work in Colorado.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the paragraph.

Mr. HITCHCOCK. Mr. Chairman, I am not disposed in making this motion to insist upon it if any justification can be shown

for the appropriation, but in looking through the hearings held by the committee it seems to me that there is nothing but an endless amount of study by supposed scientists provided for of subjects in which there is very little general interest, and the results of which can be of very nominal value to anyone. Here, for instance, a special study has been made of the population of the Indians of the United States with a view to ascertaining whether the population is increasing or diminishing; whereas it is a notorious matter, time and time again published, that the population of the Indians is diminishing. We learn, furthermore, "that a small beginning has been made in studying the languages of the remnant of the tribes of the Middle West," but "owing to lack of funds it has not been possible to make much progress."

I suppose this appropriation is for the purpose of making more progress in the study of languages of the tribes that are rapidly disappearing, and I can see no possible benefit to come from such study, except to afford occupation to certain pseudo-scientific gentlemen. We are informed also in this report that "a beginning has been made in the study of the music of the Indians." Now, will the gentleman in charge of the bill inform the House what possible benefit can come to anybody, either in the government employ or in private life, by a study of the music of the Indians?

Mr. SMITH of Iowa. Music of the Indians and nearly all other music is entirely out of my sphere.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HITCHCOCK. Yes.

Mr. FITZGERALD. Did the gentleman ever hear any of this Indian music?

Mr. HITCHCOCK. I have.

Mr. FITZGERALD. Does he not think that it is very soothing to the troubled soul?

Mr. HITCHCOCK. I have heard a great deal of music which was both soothing and otherwise, but I do not believe in Uncle Sam paying for it or paying for the study of it.

Mr. FITZGERALD. I am speaking of this particular Indian music. Does he not believe it desirable that it should be preserved for the benefit of humanity? [Laughter.]

Mr. HITCHCOCK. Mr. Chairman, I notice, furthermore, that this ethnological bureau proposes to extend its researches to Hawaii and Samoa, and I believe later that it will be extended to the Philippine Islands, and be indefinitely extended.

Mr. HARDY. Will the gentleman permit me a question? Do the hearings show that there is any appropriation to investigate ancient mythology or the Norse legends?

Mr. HITCHCOCK. As far as I have proceeded in the matter I believe not, but I suppose when they have exhausted the more recent subjects of ethnology they will go on and take up the past so as to keep busy.

Mr. HARDY. Is there anything on the subject of the "fair god" of Mexico being investigated?

Mr. HITCHCOCK. I believe there is a desire expressed to send an expedition to Mexico for some purpose. I notice also the tribe of Omaha Indians has been investigated. I might possibly have some sympathy with that, as I narrowly escaped being an Omaha myself. I believe, Mr. Chairman, that this is one of those gingerbread appropriations in this bill which ought to be cut out, and unless the gentleman in charge of the bill can offer some good reason why this appropriation of \$42,000 should be continued I shall ask for a vote.

Mr. DAWSON. If the gentleman will allow me, I notice in the hearings it is provided for an investigation up in the neighborhood of Salt River, which leads me to think that the appropriation should not be opposed on that side of the Chamber.

Mr. HARDY. Mr. Chairman, will the gentleman allow another question—

Mr. JOHNSON of South Carolina. We have already been up there and know the conditions without expending any money to find out. [Applause.]

Mr. SMITH of Iowa. I do not think this provision ought to be stricken out. It is a scientific investigation, and while it seems to me it ought to advance more rapidly to completion than it has, I do not believe it ought to be suspended right in the midst of the work. My theory is that it ought to be finished up, and not stop it in an incomplete state. The second and final handbook of American Indians is not ready for deliverance—

Mr. HITCHCOCK. Will the gentleman permit me to interrupt him for a question?

Mr. SMITH of Iowa. I would like to finish this sentence, but I will cheerfully yield even now.

Mr. HITCHCOCK. Will the gentleman accept this amendment to the paragraph, "for completing ethnological researches" instead of "continuing?"

Mr. SMITH of Iowa. I would be very glad to accept the amendment if I felt any confidence that it would be completed.

Mr. HITCHCOCK. I believe it would if the gentleman would accept it.

Mr. SMITH of Iowa. I want to call the gentleman's attention to the fact that the handbook of languages has been printed. Now, I did not like this handbook of languages myself. It is known all over the State of Iowa that the word "Iowa" means "beautiful land." I picked up this book of languages and there found that the word "Iowa" means "sleepy ones," and I have not been satisfied in all respects with the work of this bureau from that day to this. Good progress has been made on the handbook of archaeology, and it is believed that this work will be finished during the present year. The second and final part of the handbook of American Indians is not yet ready for delivery, but 250 pages have been printed, 200 more are practically ready for paging, and the proofs of the remainder are being read as rapidly as the nature of the work will permit and as one person can accomplish it. Steps have been taken during the year to record on maps the location of all Indian settlements existing or formerly having existed in the United States.

Now, this work is work in progress which has been carried on for many years, and I do not think it ought to be summarily stopped. I will say this, that last year we put the amount in the bill at \$40,000; that in another body we found great difficulty in keeping it down to \$42,000; and it was only after a considerable effort we prevented this appropriation being largely increased a year ago. It seems to me it will be idle to strike it out, and I therefore hope the amendment of the gentleman will not prevail.

Mr. HITCHCOCK. Mr. Chairman, with the permission of the House I will amend my motion and, instead of striking out the paragraph, strike out the word "continue" and insert in lieu thereof the word "complete."

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to withdraw his first amendment proposed. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered. The gentleman now proposes an amendment, which the Clerk will report.

The Clerk read as follows:

Page 51, line 21, strike out the word "continue" and insert in lieu thereof the word "complete."

Mr. MANN. I hope that the amendment will not prevail. The work done by the Bureau of Ethnology is of great value. It is not practicable to finish the work now in hand within the next fiscal year. The most important work probably in hand now is in the nature of a dictionary or encyclopedia of information relating to the American Indian. A portion of that work has been published—one volume. It is probably the most exhaustive work on the subject of Indians that has ever been contemplated, and requires a considerable time to complete. The expense of it is not great, but will furnish when completed, in compact form, a reference library containing all of the knowledge concerning the Indian that there is. It will be of great value, I think, to anyone who studies or cares about the Indian question. As it seems to me, it would be a mistake, especially for that portion of the country that is much interested in the Indian question, to stop obtaining this information and the publication of it.

Mr. HITCHCOCK. Is there any more reason for obtaining information of this sort than there is for the Government going into any field of exploitation or investigation? If this can be done, then we are justified in sending out expeditions to make these searches in archaeology or in ancient history anywhere. There is no practical value to it.

Mr. MANN. There is a practical value in this, and this work that is now being carried on in the main is not original research. It is bringing together in compendium form the results of original research for many years, which, as it stands, probably is not of so much value except to particular students, but when this work is completed the gentleman will have in his possession a compact reference library concerning Indians which can not be obtained anywhere else, a public document of great value to everybody who wishes to refer or consult concerning Indians or Indian questions.

Mr. HITCHCOCK. Can the gentleman give any idea how many years more this appropriation is to be continued? I understand it has been in these sundry civil appropriation bills an indefinite number of years already.

Mr. MANN. For many years the Government has carried on the work of original research among Indians through the Smithsonian Institution. So far as the original-research work is concerned, my recollection is, and I would not undertake to be certain about being accurate in regard to it, that that work is practically completed. There has been talk about doing

some work among the Hawaiians, although practically little work has been done there so far. This bill authorizes it. I think there has not been much done, and there would not be a great deal to do there, but the principal work of that bureau at present is preparing and arranging this compendium or encyclopedia of information concerning the Indians.

Mr. HITCHCOCK. Not only among the Hawaiians, but among the Samoans, and I suppose next year it will be among the Philippine Islanders, and then in Porto Rico.

Mr. MANN. The gentleman may suppose, but the fact is, I may say to the gentleman, that the Filipino government is already conducting original research work along ethnological lines itself, so that we are not expected to go over there—an original research work of great volume.

I do not think it would be amiss for our Government, having possession of the Hawaiian Islands, having possession of one or more of the Samoan Islands, to have information published concerning the natives of those islands, who will soon disappear, so far as being in the aboriginal native condition is concerned. Who else will contribute that information to the world? But, of course, there will not be great expense so far as that information is concerned. I hope the gentleman will withdraw his motion.

Mr. HITCHCOCK. I have not any disposition, Mr. Chairman, to insist on the amendment if there is in the future any definite idea as to the ending of this seemingly endless appropriation.

Mr. MANN. Oh, well, there is, as far as that is concerned.

Mr. HITCHCOCK. If it is approaching its conclusion, as the gentleman from Illinois assures us, I will withdraw the amendment.

The Clerk read as follows:

Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, making necessary observations in high altitudes, repairs and alterations of buildings, and miscellaneous expenses, \$13,000.

Mr. HITCHCOCK. I move to strike out the last word. I desire to ask the chairman of the committee what this Astrophysical Observatory is and what can be accomplished by it?

Mr. TAWNEY. If the gentleman will turn to page 340 of the hearings, he will there find a very exhaustive description not only of the Astrophysical Observatory, but also of the work that has been going on for a number of years by the men in charge of that institution.

Mr. MANN. I will say to the gentleman that the Astrophysical Observatory was practically founded by Doctor Langley when he was Secretary of the Smithsonian Institution. Doctor Langley was admitted to be one of the foremost scientists in the world, and his special work was along the lines of the work carried on by the Astrophysical Observatory. I am not able myself to form an opinion as to the value of that work, but I will say to the gentleman, from information which has come to me as a Regent of the Smithsonian Institution, the work at the Astrophysical Observatory is considered in scientific circles to be of great value, and the work of this particular institution is considered of the highest value, not only for scientific research, but in the end for practical results.

Mr. HITCHCOCK. Now, Mr. Chairman, I would like to read to the committee some of the achievements of the Astrophysical Observatory as they appear to be chronicled on page 341 of the hearings before that committee. Mr. Abbot there testified before the committee. In speaking of the work of the Astrophysical Observatory, he tells of the striking examples of practical assistance which it has been to the people of the United States. For example, he says:

Aside from its scientific side, there is a gentleman named King who has recently published a little volume on the ventilation and lighting of houses and stables.

Now, I concede that if the Astrophysical Observatory authorities should publish a volume on the lighting and heating of houses, that might be of some practical value; but it did not. A private citizen was left to do that. This gentleman he names had recently published a little volume on the ventilation and lighting of stables. Then Mr. Abbot continues, in referring to this private citizen:

He quoted from our volume, and he wrote me a letter asking for information regarding the brightness of the sky, and whether a long window in a stable should be put in vertically or horizontally to let in the most light. He published in his book my letter in reply.

I regret to say that we are still living in doubt—we in the House of Representatives, who ought to know whether a window ought to be put in vertically or horizontally in order to furnish light to the horses in a stable.

Mr. MANN. Probably it would do the gentleman good to read the letter; then he would know.

Mr. HITCHCOCK. Let me go to the second achievement, as told by Mr. Abbot:

Again, the gentleman in charge of the Carnegie Desert Laboratory at Tucson, Ariz., wrote to me some time ago and inquired as to the amount of radiation of the sun and of the sky which would fall upon the leaf of a plant if the leaf were horizontal; second, if that leaf were vertical. He required this information both for Tucson and for an elevation of 3,000 feet above Tucson. After getting from him more detailed information in regard to just what he wanted, and whether he wanted his vertical leaf to face north and south or east and west, and whether he wanted the data for one particular day of the year, and if for the whole sky and sun combined or for the sky alone, or for any particular color of rays, I was able to give him the information he required, and he wrote me that he believed no botanist had ever before had such information available to him for carrying on such work as he proposed to do.

I can easily imagine no botanist ever had such information or would know what to do with it if he had it.

Mr. MANN. I do not suppose the leaf has ever known one way or the other. Probably the leaf itself will never have scientific knowledge as to whether it requires more sunlight vertically or horizontally; but if left alone the leaf would discover probably whether one or the other was the better position for it. Now, the gentleman makes light of the question as to whether a window put in vertical or horizontal would give more light. The gentleman himself makes "light" of the subject, but he has no "light" upon the question. It would probably be of great value to him if he could obtain "light," either horizontal or vertical, upon this and many other questions. [Laughter.] Now, Mr. Chairman, it is of great value in practical work to know whether more sunlight comes into a window in one shape or another shape. The gentleman may make light of the matter of shape. But in estimating the flow of water through a pipe the size of the hole of the pipe is not all that determines the amount of water that will pass through, but the shape of the hole has much to do with the question. So that the shape of the window may have much to do with the amount of sunlight that comes in; and this information is of practical value in many respects.

The Clerk read as follows:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, \$300,000, of which sum \$5,500 may be used for necessary drawings and illustrations for publications of the National Museum.

Mr. GARRETT. I move to strike out the last word. I wish to ask the chairman of the committee how many expeditions there are now out engaged in this Smithsonian work?

Mr. TAWNEY. Chiefly those under the jurisdiction of the Geological Survey; I do not know how many.

Mr. MANN. This item does not cover any of the cost of expeditions.

Mr. GARRETT. It says:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government.

Mr. MANN. Yes; but it does not cover the cost of any expeditions.

Mr. GARRETT. Where are they covered?

Mr. MANN. These collections are made in various branches of the government service—the Geological Survey, the War Department, and various others.

Mr. TAWNEY. Principally the Geological Survey.

Mr. GARRETT. Are there any expeditions out under the Smithsonian now?

Mr. MANN. Once in a while there is one.

Mr. GARRETT. Is there not one going to Africa soon?

Mr. MANN. Yes. If that is what the gentleman wants to get at, I will be glad to give the information.

Mr. GARRETT. This is a matter concerning which many statements have been made, and it seems well to have the facts now. How much of the expense of the expedition which the President is to lead is to be paid by the Government?

Mr. MANN. No portion of the expense of the President's trip to Africa is to be paid out of any public fund. Last summer, after the President determined that he would make a trip to Africa upon the expiration of his presidential term, the President wrote to the Secretary of the Smithsonian Institution, stating that he intended to make a trip to Africa and that he thought he would have an opportunity of collecting a large number of specimens of kinds which might not be obtained in any other way; and I do not think he stated, but I suppose he assumed, from the fact that he would be an ex-President of the United States he might have better opportunities of collecting specimens, and he said he thought he ought to offer them to the Government through the Smithsonian Institution and the National Museum.

The matter was taken up by the Secretary of the Smithsonian Institution, and he determined that he had no public

fund or appropriation out of which to pay the expenses. Thereupon he made a request to a number of gentlemen throughout the country, asking them if they were willing to contribute toward that expense, and in that way he has raised a fund of about \$20,000 to cover all the expense, which fund has been contributed to the Smithsonian Institution for the purpose of paying, not the expenses of the President or his son, but the expenses of the gentlemen who go with the President to Africa. The Smithsonian Institution has engaged several scientific gentlemen to accompany the President, men who are expert in reference to the preservation and collection of specimens. They will go with the President on his trip to Africa, and when the President has finished his hunting trip there he will return by way of Egypt, as I understand, and the Smithsonian scientists will continue their work after the President has left, collecting both botanical and zoological specimens clear up to the Egyptian line. The expense of all of that, so far as the scientists employed by the Smithsonian are concerned, will be paid out of private contributions made to the Smithsonian for that purpose, and the President will pay the expenses of himself and his party, as distinguished from those whom the Smithsonian send along with him.

Mr. GARRETT. I will say to the gentleman that the information which he has given is the information which I had received; but I thought it quite proper here, in view of the many published statements and the confusion that seems to exist about it, to have an express and explicit statement, such as he has made, to go into the Record.

Mr. MANN. Whatever criticism gentlemen may at times feel like leveling against the President on other matters, in my opinion there has been, in this matter, nothing in the action of President Roosevelt which can be criticised in anywise whatever. On the contrary, in the hope that he might be able to contribute more or less to the scientific information of our Government and to the great National Museum which we have, while he might have given those specimens to many other museums in the country, he has reserved what he expects to collect for the benefit of the Government of the United States through its National Museum. [Applause.]

Mr. SLAYDEN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. The information that we get through the press is usually interesting, but not always accurate, and I am like the gentleman from Tennessee—in order to have a positive, clear statement made about some of the matters, such as we have just had by the gentleman from Illinois, I want to say that there is another matter that I would like to know about.

An officer of the United States Army was retired, I believe, promoted and retired, and ordinarily would go upon three-quarters pay. It was stated at the time of the retirement that after the 4th of March he would accompany a distinguished citizen of the United States on a trip as his physician. Now, by what authority was he ordered to do that, if he was ordered to do it, and is he to receive the usual full pay given a retired officer engaged in active service, and is it to be paid out of the Treasury, if he is to receive full pay, or is the additional 33½ per cent contributed also by a generous, benevolent institution?

Mr. MANN. Mr. Chairman, I am not able to say. My understanding is that if any such officer accompanies the President he is not to be paid by the Smithsonian Institution. As to whether such an officer is to accompany the President and receive full pay I do not know. The distinguished gentleman who has asked me the question is a member of the Committee on Military Affairs. I recently propounded the same conundrum to the chairman of the Committee on Military Affairs in the House, and was unable to obtain the information which the gentleman now seeks to obtain from me. I take it that it is a newspaper error, because I do not understand how it could be possible for the War Department to order a retired officer to be paid full pay simply because he was to accompany a private citizen, no matter how eminent that private citizen might be, upon a journey.

Mr. SLAYDEN. The gentleman is quite right. I do not think the War Department would have authority to do it; but it was stated that it had been done, and that is why I asked the question.

Mr. MANN. It was so stated in the newspapers, and while the newspapers do the best they can, they occasionally make mistakes.

Mr. KEIFER. Will the gentleman from Illinois yield to me to make a statement in his time?

Mr. MANN. Certainly.

Mr. KEIFER. I understand officially that the officer to whom the gentleman has referred will draw his usual retired officer's pay while he is abroad. The only thing he has asked

is permission to be absent from the United States during that time. To some degree these retired officers are subject to orders from the War Department, but that he is ordered away is not true, as I understand.

Mr. MANN. I have no reason to doubt that that is the case. The Clerk read as follows:

For purchase of books, pamphlets, and periodicals for reference in the National Museum, \$2,000.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman whether these are pamphlets and guidebooks that are sold at the museum?

Mr. TAWNEY. No; they are not.

Mr. EDWARDS of Georgia. They are distributed?

Mr. TAWNEY. No; these are books purchased by the institution for use in the office.

The Clerk read as follows:

For moving collections, furniture, and other property of the National Museum in connection with the occupancy of the new building for the National Museum, including all expenses incidental thereto, to be immediately available, \$4,000.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee tell me whether this provision will vacate the long room that was talked about as the art gallery during the last session of Congress—the "lecture room," as it was then called?

Mr. MANN. The long room is not a part of the museum; that is in the Smithsonian Institution, and it was designed at one time to make that interior part into a gallery of art. The present intention, I think, is to put an elevator in that part of the institution and cut those rooms up into working rooms of some sort, unless it should be determined to treat them otherwise.

There is a large room which would be available for the beginning of a gallery of art, and last year it was asked that an appropriation be made for the purpose of converting that room into an art gallery, but the appropriation was not made.

Mr. DOUGLAS. I looked that matter up to some extent. Mr. Walcott called my attention to the fact that Congress had made appropriations for altering and repairing that room in that part of the building several times. I want to know whether the gentleman from Illinois is sure that, as a matter of fact, the building does not, to all intents and purposes, belong to the Government.

Mr. MANN. The Smithsonian building?

Mr. DOUGLAS. Congress has repaired it a dozen times within the last twenty years.

Mr. MANN. The Smithsonian building belongs to the Smithsonian Institution. It is true that Congress sometimes appropriates money for caring for the building in some way, which Congress can do, and which the Smithsonian Institution would not be able to do out of its fund. A large share of the funds used by the Smithsonian Institution are contributed by Congress through its appropriations. The fund of the Smithsonian Institution amounts to in the neighborhood of \$900,000, which is in the Treasury of the United States, and upon which the Government pays 5 per cent interest.

Mr. DOUGLAS. What I was anxious to know, Mr. Chairman, if the gentleman could say, was whether there was any movement on the behalf of the trustees of the Smithsonian Institution to convert that room into a gallery at their own expense or in any way to utilize the collection which is already in the hands of the Government.

Mr. MANN. Mr. Chairman, I think I am safe in saying that there is no expectation of doing that out of the funds of the Smithsonian, which would be utterly inadequate, so far as the permanent income is concerned, for that purpose. Last year the Board of Regents passed a resolution in reference to the matter, and asked for an appropriation for that purpose, which was not allowed. Personally, I may say to the gentleman, I did not partake in the movement. It did not seem to me advisable to attempt to establish a gallery of art in that room.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners, the unused and unexpended balance, not exceeding \$225,000, of the appropriation of \$350,000 made for this purpose for the fiscal year 1909, remaining unexpended at the close of that fiscal year is hereby reappropriated for expenditure during the fiscal year 1910, together with the further sum of \$125,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 55, strike out all, beginning with line 10 and extending to and including the words "sum of," in line 16, the language proposed to be stricken out being:

"The unused and unexpended balance, not exceeding \$225,000, of the appropriation of \$350,000 made for this purpose for the fiscal year 1909, remaining unexpended at the close of that fiscal year is hereby reappropriated for expenditure during the fiscal year 1910, together with the sum of."

Mr. FITZGERALD. Mr. Chairman, this is one of the items of the bill on which I am not in accord with the committee. The provision in the bill as reported will make available for the next fiscal year \$350,000 to enable the Interstate Commerce Commission to make the investigation which it is supposed is required by section 20 of the Hepburn Act. If the amendment offered by me is agreed to it will make available \$125,000. This particular paragraph was the subject of considerable discussion in the last session of Congress. The Interstate Commerce Commission originally submitted an estimate of \$750,000 for the present fiscal year to make the investigations authorized by section 20 of the Hepburn Act. In a communication to the Congress and in the investigations before the committee, they stated that they probably could do the work with \$500,000, because it would be impossible properly to organize the force during this year. Later the commission stated that if it had \$350,000 that amount would be sufficient for the purpose during this fiscal year.

The Committee on Appropriations, after a careful investigation, reported an appropriation of \$50,000. The House, under the lead of the gentleman from Michigan [Mr. TOWNSEND], increased the amount to \$350,000.

Mr. Chairman, the record shows, and I believe that any candid man will admit, that the judgment of the committee was accurate, and that those who insisted upon the larger appropriation had not given that consideration essential to so important a matter, or else that their judgment was not as sound as that of the committee. In the hearings before the Committee on Appropriations this year it appears that up to the 31st day of January of this year the amount expended out of this appropriation was \$41,534.14. There are now employed under this appropriation 34 men. Twelve of these men were formerly employed and paid out of a different appropriation. Five thousand five hundred and fifty-nine dollars is the maximum sum that has been expended during any month in this fiscal year, and if as much as \$6,000 a month be expended during the balance of the year, not more than \$72,000 can possibly be expended during the present fiscal year. Under the circumstances I am convinced that the commission will not require \$350,000 for the next fiscal year, but that \$125,000 will be ample.

I wish at this time, Mr. Chairman, to call the attention of the committee to the fact that those who do not investigate these questions are easily misled, and sometimes grow over-enthusiastic about subjects with which they have no familiarity. It is not my custom to discuss or to comment upon statements contained in the private correspondence between gentlemen, but when a letter from one gentleman to another, somewhat confidential in its character, or considered so, is thereafter made the part of a public record and is used to bolster up the contention of one of the persons, I believe it to be proper to discuss the contents of the letter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes more.

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I have here the letter sent by the President to the Speaker under date of April 30, 1908. It was sent by the President to the House recently as an appendix to one of his messages. I wish to read this letter:

THE WHITE HOUSE,
Washington, D. C., April 30, 1908.

MY DEAR MR. SPEAKER: There is one matter connected with the sundry civil bill to which I should call your special attention, and that is the cutting down of the appropriation asked for by the Interstate Commerce Commission to carry into effect the twentieth section of the Hepburn law to only \$50,000. In accordance with the request of the Committee on Appropriations, in carrying out the desire of the leaders of the House, the Interstate Commerce Commission, instead of asking, as they originally asked, for \$500,000, which was the amount necessary in order to do the best work in carrying out the twentieth section, cut down the request to \$350,000, the very minimum under which the work can be done effectively at all.

To provide only \$50,000 really amounts to making a sham appropriation. It would be better to repeal the twentieth section or suspend its operation for a year, for such a course would have the merit of frankness. I regard this twentieth section as containing one of the most important provisions of the Hepburn Act, and to refuse to provide means for carrying it on is equivalent to repealing for this year that section, and it would undoubtedly be so understood by the country at large. I feel that the Hepburn Act was one of the great pieces of leg-

isolation for which Congress, under your direction and guidance, has been responsible, and for which it has received such deserved credit.

It would be from every standpoint a very real misfortune now to nullify one of the important provisions of that act. The only people benefited would be the very worst of the big railroad men whose misdeeds we are trying to prevent or correct. The commission has been at work with the railroads for two years preparing to put this section into execution through the means of a board of examiners. To refuse to give them \$350,000 (for to appropriate \$50,000 serves no purpose whatever) is to nullify completely these two years' work.

Very sincerely, yours,

THEODORE ROOSEVELT.

HON. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Mr. Chairman, I differed from the President in the opinions he expressed in this letter when it was written; I do not agree with them now. It is impossible for me to believe that the Interstate Commerce Commission has not used this great appropriation through a desire to help the very worst criminals among the big railroad men. I can not believe that the Interstate Commerce Commission refused to use this appropriation because the commission wished practically to repeal the law for a single year.

I can not believe that the commission only wished to use what the President considered would be a "sham" appropriation, worse than no appropriation whatever for this purpose. I am still of the opinion which I had when I joined in the recommendation of an appropriation of \$50,000, that the men who asked the larger appropriation had not properly considered the matter, and that it would not be possible under any circumstances to use much more than \$50,000 this year.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have five minutes more time.

The CHAIRMAN. Unanimous consent is asked that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. PARSONS. Did not the statistics in the hearings show that the commission will spend at least \$70,000 this year, and as the appropriation proposed last year was only \$50,000—

Mr. FITZGERALD. I have already said that, taking the amount of \$6,000 as the average amount spent during each month, the commission would not spend more than \$72,000 this year.

Mr. TAWNEY. If the gentleman will permit me, that also includes the salary of 12 men—

Mr. FITZGERALD. I was about to state that.

Mr. TAWNEY. Who at the time this appropriation was passed were paid out of another appropriation, and were to continue to receive their compensation out of the other appropriation during the current fiscal year.

Mr. FITZGERALD. What I have in mind, though, Mr. Chairman, is not so much whether the Interstate Commerce Commission could spend \$20,000 more or less than the committee believed, but what I wish to call sharply to the attention of the country is the unfortunate language used by the President in characterizing the recommendation of the Committee on Appropriations. It was universally believed that the President had charged and had actually meant that this committee in the discharge of its duties was not anxious to have the law enforced, but was making a recommendation that would prevent the law being enforced, and that would enable criminals to get the benefit of the operations of the law.

Mr. HARRISON. Will my colleague yield?

Mr. FITZGERALD. Certainly.

Mr. HARRISON. Does the gentleman believe from the context of the President's letter that he thinks that, had he had the \$350,000 appropriation in the past, it might possibly have led to the conviction of such a supposed criminal as Mr. Paul Morton?

Mr. FITZGERALD. Well, I do not know about that. What I am calling attention to is that the President said that \$50,000 would be a "sham" appropriation; that it would be better to repeal the law than to make such an appropriation; and yet the commission, with \$350,000 at its disposal, the minimum amount that it asserted it could possibly properly use in the work outlined, has been unable even by the most strenuous efforts to expend at a rate in excess of \$72,000 in this year.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FITZGERALD. In one minute; I just wish to make a few statements. This merely emphasizes the fact that no one man, be he in the executive department of the Government or be he in the legislative department of the Government, has been so divinely constituted that he possesses all the wisdom and all the knowledge that man can possess.

There are many men who disagree with me about the President in some things. I believe that there are many very desirable attributes possessed by him. In some respects he has been a very remarkable and useful President; I believe that in other respects he has done many things that properly received the condemnation of those who stand here as representatives of the people. I believe now, considering the use to which this letter to the Speaker has been put, the use to which it was put in connection with another matter resulting in a sharp controversy between the House and the President, that either the President or somebody in his behalf should acknowledge the grave mistake which was made not only by the Interstate Commerce Commission, not only by its very enthusiastic friends, but by those who insisted that the appropriation recommended by the committee should be increased from \$50,000 to \$350,000. Suppose the committee had accepted the recommendation of the Interstate Commerce Commission and had appropriated the amount originally asked—\$750,000—the amount which, it is stated in House document 802, was imperative to conduct this work, how absurd such action would have been.

Let me read what was said in the commission's request:

After a careful consideration of the whole matter, it is the judgment of the commission that at the end of the next fiscal year—

That is, this fiscal year—

a thoroughly equipped and well-organized board of examiners will require an expenditure at a rate of not less than \$750,000 a year.

They can not expend at the rate of 10 per cent of that amount. Later, they reduced the amount to \$500,000 because they said that by January or February, 1909, the force could not be properly organized. To quote their language—

Therefore that an appropriation of \$500,000 for the next fiscal year—

Meaning this fiscal year—

will satisfy our requirements; but, as we understand the matter, at least that sum will be required if the work is to be prosecuted on the broad and effective lines desired by the commission and contemplated by the act and by the general public.

They were given \$350,000. They will not expend over \$72,000 this year.

Mr. GAINES of Tennessee. How much have they spent?

Mr. FITZGERALD. They have spent, up to the 31st day of January, \$41,534.14. I repeat that the commission was unwarranted in making its recommendation. The President was unjustified in stating what he did in his letter to the Speaker, and the wisdom of the committee has been amply justified by what has transpired since. I hope that the committee will not be overawed by the fear of things that may happen, but will adopt this amendment and give this commission \$125,000, as I propose, for the next fiscal year, which will, in my judgment, be ample for all that can be done by the commission.

Mr. TOWNSEND. Mr. Chairman, I have listened with a good deal of interest, and, I must say, with a good deal of surprise, to the argument of the gentleman from New York [Mr. FITZGERALD], when attempting to state what occurred on this floor during the last session of Congress and the reasons that were given at that time by the commission for asking for \$350,000, and by gentlemen on the floor who favored an increase of the amount from \$50,000 to \$350,000. The main argument that was made at that time by some of the gentlemen—and I take it that the gentleman from New York himself was one of them—was that money ought not to be expended for the purposes for which myself and other gentlemen on this floor claimed the money should be used. It was well understood at that time that the commission was arranging for a set of experts to properly perform the work which the commission wanted done; and it is absolutely true, as stated by the gentleman from New York, that when they had their full force properly equipped it would require at least \$350,000.

Now, the fact of the matter is that they have not been able during the year up to date to acquire all of the men that they wanted. They still have in mind the notion of carrying out the provisions, as they understand the provisions, of the interstate-commerce law, of determining whether the railroads of the country are complying with the provisions and regulations set forth by the commission; and they have been busy in formulating methods for keeping books and accounts of the railroads, and are now anxious to put those methods into effect.

I had supposed, Mr. Chairman, that this matter was settled by the Committee on Appropriations. I had understood that members of the Interstate Commerce Commission had asked for a hearing before the committee for the purpose of setting forth the reasons why this appropriation should be no less for the coming year than it has been in the past.

I understand that it believes it can obtain the right number of men for the purposes of carrying out the most important provision, as I maintain, of the interstate-commerce law.

Now, I submit it would have been a serious mistake last summer for this Congress to have adopted a provision appropriating \$50,000, provided the commission had been able to obtain a sufficient number of men for carrying into effect the provisions of the law. I said then, as I say now, that we passed this law, we provided for certain things to be done under the law, and I propose so far as it within me lies to say to that commission: "You shall have all the means you require for the purposes of carrying out the provisions of the law, and you shall not be able to make the excuse that the Congress failed to appropriate sufficient money for that purpose."

Therefore, Mr. Chairman, it seems to me to be unfortunate that the gentleman from New York [Mr. FITZGERALD] should bring this up in this way. No one claimed that it would require \$350,000 unless the requisite number of skilled men could be obtained.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. TOWNSEND. I will.

Mr. TAWNEY. I will ask the gentleman if he did not himself say a year ago, and I am now quoting from the RECORD, this?—

Mr. TAWNEY. Will the gentleman state how many men they contemplate employing in this service?

Mr. TOWNSEND. The original proposition was 285 when the quota is full. They have now 161 men, as I remember it, men who have passed the civil-service examination and are qualified at this time to take up the work and commence operations under the provisions of this act.

While, as a matter of fact, they have only 34 men employed now?

Mr. TOWNSEND. I do not wish to dispute the RECORD, but my understanding of the situation at that time was, and it is my understanding now, that I did state that 165 men—it was my intention to say that, at least—or a number of men had been examined, and only a small proportion of them had met the qualifications and passed the examination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman from Michigan be given five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNSEND. But, gentlemen, this is a question for us to decide now. We are not going to spend \$350,000 unless the commission obtains qualified men to carry out this work, and unless they do get them the money will remain in the Treasury.

Now, I for one want the commission to have all the authority and all the means possible for carrying out the twentieth section of the law, and I submit it would be a mistake if we did not do this. I am sorry that there was no hearing before the Committee on Appropriations on this subject, but I think the chairman of the committee will assent when I say that members of that commission—Mr. Harlan and, I think, the statistician—went before him to inquire if they wanted hearings on this subject, and were informed that the Appropriations Committee was going to report the same amount as last session.

Mr. TAWNEY. I would say to the gentleman from Michigan I did not see Mr. Harlan, but the disbursing officer of the commission was before us, and I interrogated him in regard to both the estimate for the fiscal year and the appropriation for the current fiscal year.

Mr. Knapp was also present at a later hearing, but the subject was not gone into, for the reason that the committee, after considering it, had decided, without any reference to what had passed last year, to carry the amount substantially as we had carried it in the current law, at \$350,000, and that understanding has been had on the subject.

Mr. TOWNSEND. Then that was my understanding in the matter, and therefore I had taken no pains myself to go into it and did not think there was any division of opinion upon it.

Mr. TAWNEY. If the gentleman will pardon me, I will add that, subsequent to that time, I had a conversation with Mr. Adams on the matter, and at his request the chairman of the commission wrote a letter to me explaining the matter, which I shall put in the RECORD if I have an opportunity to address the committee.

Mr. TOWNSEND. I understand the chairman of the committee is in favor of this provision for \$350,000?

Mr. TAWNEY. I am.

Mr. SHERLEY. If I understand the reason of putting this in at the full \$350,000, it was because it would be possible to get the full force now; and that was not true a year ago.

Mr. TOWNSEND. That has subsequently been proven to be the fact.

Mr. SHERLEY. Is it not a fact that a year ago you had read to the Committee of the Whole, in consideration of this matter, a statement of the commissioners that for two years

they had been at work on this matter and were then ready to institute the full force, and all they needed was the money?

Mr. TOWNSEND. I stated a year ago that it would take some time to institute the full force.

Mr. SHERLEY. Did you not have this letter read?—

INTERSTATE COMMERCE COMMISSION,
Washington, April 29, 1908.

MY DEAR MR. TOWNSEND: So far as I am aware, every member of the commission is heartily in favor of the appropriation asked for effective administration of the twentieth section of the act, and I am sure there will be extreme disappointment if the appropriation is not made.

For nearly two years we have been planning this work under the able direction of Professor Adams, and we shall be ready to carry it on efficiently just as soon as the money is provided. The uniform system of keeping accounts was put in force on July 1, 1907, and the examination and inspection of these accounts should begin with the next fiscal year. To withhold the needed appropriation would disarrange all our affairs in this regard and postpone the commencement of a most important branch of our work. The machinery is ready, the men are available, and all that is needed for efficient and useful service is the necessary means for defraying the expense. I sincerely hope you may be able to secure an increase of the item in question to the \$350,000 which the commission believes to be the smallest sum that will carry on this work during the next year.

Yours, very truly,

MARTIN A. KNAPP,
Chairman.

That brings me to this proposition: Was not the whole contention between the gentleman and the Committee on Appropriations the question of whether the amount of money asked for could be used; and are not the facts, as shown by the year's work, this: That the committee missed it by about \$20,000 and you gentlemen by nearly \$200,000?

Mr. TOWNSEND. I submit it was not a question between the gentleman and the committee as to whether the commission could spend that money.

Mr. SHERLEY. I have the record.

Mr. TOWNSEND. The complete record will show that the gentleman contended, and he had the right to do it, that it was an improper thing to do to spend that money.

Mr. SHERLEY. Now, if the gentleman will yield further. I called attention to the value of this kind of work. Speaking from the personal experience that I had in the reorganization of the Monon Railroad, I was in favor of it, but did not believe they needed the large sum asked, and subsequent facts established that they did not need the amount.

Mr. TOWNSEND. I did not remember that the gentleman had made that suggestion.

Mr. SHERLEY. I think if the gentleman will refresh his recollection he will find several things that will come to him as having occurred.

Mr. FITZGERALD. I never contended that this was an improper method of expending the money. I did not agree with some as to the advisability of entering as extensively on this plan as some who advocated it, and I did not believe that the commission could use as much money as it asked.

Mr. TOWNSEND. I think the gentleman is correct about that. I think it was true that he did not have any sympathy with that. I believe that the RECORD of last session will disclose that the principal argument of some gentlemen against my amendment increasing the amount was that the law did not contemplate the work laid out by the commission in reference to its construction of the twentieth section of the law. It was not the principal question whether the commission could spend the additional appropriation, but, rather, ought it to do so?

Mr. GAINES of Tennessee. Has the commission been prevented by injunctions from undertaking anything which they proposed to do?

Mr. TOWNSEND. Not at all. The only thing I had heard prior to to-day about this appropriation was that the committee was agreed upon it, and, believing this, I have not gone into the reasons which actuated the commission in asking for it. But this I do know, in talking with members of the commission from time to time, and especially with Professor Adams, who has had charge of this matter, that he has not been able to get the men that the commission felt were properly fitted for this particular work, and therefore the commission have not spent the money. Their plans have not been completed as they expected a year ago.

Mr. GAINES of Tennessee. No one has been hurt.

Mr. TOWNSEND. Not a bit.

Mr. GAINES of Tennessee. The Government has not been hurt.

Mr. TOWNSEND. Not a bit.

Mr. GAINES of Tennessee. The taxpayers have not been hurt.

Mr. TOWNSEND. Not a dollar.

Mr. GAINES of Tennessee. And no criminals have been hurt. [Laughter.] Now, the gentleman knows that I voted with him on his proposition, and I stand here to defend it, and I am going to defend it before we get away from it; but I still do not under-

stand why the commission wanted \$750,000 and then fell to \$500,000, and the committee reported \$50,000, and the President asked for \$350,000. Now, that is jumping some.

Mr. FITZGERALD. And then it turned out that the commission can not use over \$72,000.

Mr. GAINES of Tennessee. Oh, I do not see why we should make a big scarecrow of this, because nobody guessed correctly, perhaps.

Mr. FITZGERALD. The committee guessed right.

Mr. COX of Indiana. Can the gentleman inform the committee whether or not the Interstate Commerce Commission is now prepared to expend the \$350,000 on this work for the coming year?

Mr. TOWNSEND. The only information I have is from a conversation with Professor Adams, and a letter from him and a letter from a commissioner, in which they state that it is very important that they have this appropriation, that the \$350,000 be made good—that is, that the unexpended balance of last year be reappropriated, and a sufficient amount to carry it up to \$350,000 be appropriated, as they believe that they are now going to be in a position to carry out their plans. The two years to which the gentleman from Kentucky [Mr. SHERLEY] refers as having been mentioned in the letter to me by Chairman Knapp were the two years spent in perfecting a plan for the railroads of this country to adopt for keeping their accounts. Trained men were to be employed for the purpose of seeing that the carriers complied with those conditions, that they were properly installed, and that the law was carried out in that respect.

Mr. COX of Indiana. Can the gentleman inform the committee as to whether or not the commission have perfected that plan and are ready to put this experiment to work?

Mr. TOWNSEND. I have not talked with them directly on that, and only know that they ask that this amount be appropriated.

Mr. SHERLEY. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. SHERLEY. I again call the gentleman's attention to the fact that the letter states that the machinery is ready, that the men are available; and I have just been informed—I speak only on information—that the commission notified a Member of this House, who inquired some months ago, that they had a waiting list of some 60 or more eligibles for these positions. Can the gentleman inform the House as to that?

Mr. TOWNSEND. No, sir; I can not. I do not care to talk about matters stated to be on information, as far as that is concerned. I do not think anybody questions the fact that the commissioners are proceeding, at least, in good faith; that they are doing the best they can.

I do not believe they would ask for \$350,000 if they did not believe they could spend it along the lines for which it was appropriated. If they had any design on it, they would have spent it last year when that amount was appropriated; but because they could not complete their force, and did not make the arrangements as they expected to make them, they did not spend the money. They are now asking the Congress to appropriate \$350,000 to carry out the provisions of the twentieth section. Whether they will do it or not, I do not know. I would have known more about this if I had not supposed that the matter was settled to the entire satisfaction of the Committee on Appropriations. As I understand, it is settled so far as the chairman of the committee is concerned.

Mr. FITZGERALD. The gentleman will not confuse the committee with the chairman, as important a factor as he is.

Mr. TOWNSEND. No; I will not.

Mr. FITZGERALD. Let me ask the gentleman. My opinion is that the commission can not use more than \$125,000 the next year. I base that on the experience of the past.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FITZGERALD. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Michigan be extended five minutes. Is there objection?

There was no objection.

Mr. TOWNSEND. Let me ask this question of the gentleman from New York: If there is nothing wrong with the commission except, perhaps, in its judgment—that it is asking for more than it can use—does not the gentleman think that it would be better for us to appropriate this amount of money, which we know will not be used unless it can be properly used, rather than have Congress take the position of blocking the enforcement of that legislation and make it possible for the commission, if it fails, to say that it failed because Congress

did not give it money enough to carry out the provisions of the law?

Mr. FITZGERALD. Let me suggest to the gentleman that that will not follow, because Congress will convene in December. The commission will have \$125,000 to use between the 1st of July and the 1st of December. If then the commission is able to show that it will need more money, there will not be the slightest difficulty in obtaining it; while if we adopt the theory of the gentleman from Michigan, simply because we believe different officials are well-meaning and intend to carry out the law, of appropriating all they ask for, all the money that ever was in the Treasury would not be sufficient to supply their imaginary wants.

Mr. TOWNSEND. This is a different proposition than the ordinary one. If the commission had not been engaged for, lo, these several years in preparing a system which they say now, even as they said a year ago, they are prepared to carry out, it might be different; but I submit, Mr. Chairman, that we can better afford in this particular instance to grant what the commission has asked for, and especially as we do not have the full hearings on this particular subject, which would set forth just exactly the reasons the commission had for asking for this appropriation.

Mr. FITZGERALD. The gentleman says we have not the full hearings.

Mr. TOWNSEND. Let me say why I make that statement. I understand the gentleman from Minnesota has agreed to that proposition. I was informed by a member of the commission, and by the statistician, that they had been to the committee, or to the chairman of it, or to somebody who was authorized to speak, and asked if the committee wanted further hearings on this subject; that they wanted this appropriation, and were prepared to give their reasons for it, and were informed that there would be a provision in the bill which would reappropriate the unexpended balance of last year and enough more to make it \$350,000.

Now, I am sorry I did not know that the matter was coming up or I would have been fortified by the very facts which the gentlemen ask; but, assuming that the thing was settled, I did not go into the matter any further, and have not provided myself with the reasons that the commission had for asking for \$350,000.

Mr. FITZGERALD. Let me suggest that many things are settled in the committee not entirely to my satisfaction. I took the statement made by the commission last year. They made a statement that they would imperatively need \$750,000, and then \$500,000, and then, at the very least, \$350,000. I examined the reasons with great care, and then they came before the committee this year and showed that up to the 31st of January they had only expended \$41,000, and the expense for the entire year would not be over \$72,000. I was asked then if I desired any further information, and I said "No;" this information satisfied me that I could draw just as accurate conclusions as to what they might possibly need as if they lectured on academic questions for a week before the committee. I thought the experience of the past was of more importance than their academic discussion.

I feel convinced now that if we give them \$350,000 the commission can not possibly use it next year, and I am opposed to placing at the disposal of any department more money than it can properly utilize in its work.

Mr. TOWNSEND. Now, Mr. Chairman, I do not care to occupy any more of the committee's time at present. I possibly shall ask to be heard if there are any more arguments in favor of the amendment aside from those presented, for the reason that this comes in a way of a surprise now. Perhaps it ought not to; perhaps it is not a good excuse that I am not prepared to meet the arguments that are presented here, or that might be presented, because I had not thought that it was coming up.

Mr. FITZGERALD. I want to say to the gentleman that I did not wish to take him by surprise, and that I informed the other members of the committee of my position on this matter.

Mr. TAWNEY. Mr. Chairman, I hope the amendment of the gentleman from New York [Mr. FITZGERALD] will not prevail. As far as I am able, I shall endeavor to retain the provision carrying this appropriation in the form, as well as in the amount, that the committee has reported it. I am satisfied that the commission during the next fiscal year in all probability will not be able to obtain a sufficient corps of examiners to require the expenditure of all this appropriation, but nevertheless it is my desire that the commission should have all the money necessary for the enforcement of this particular section of the Hepburn law. I was satisfied a year ago, when the gentleman from Michigan [Mr. TOWNSEND] assailed the Committee on Appro-

priations for recommending \$50,000 for the purpose of carrying out section 20 of the Hepburn Act, and charged that we were attempting to throttle the execution of that act, that we had recommended the appropriation of all the money the commission could use in that service, at least until the next session of Congress.

The commission, I am glad to say, proceeded in the organization of the force for this purpose along the same lines the Committee on Appropriations supposed and proposed that they should, and as the result of their desire and effort to find competent men for the service, at the end of the first seven months of this fiscal year we now find they were able to expend only a little over \$41,000 of the \$350,000 we appropriated, under the fear on the part of many Members occasioned by the charge that the Committee on Appropriations, in recommending the appropriation of only \$50,000 was endeavoring to cripple the administration of the interstate-commerce law.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. TAWNEY. Yes.

Mr. GARDNER of Michigan. I would like to know whether, if these 12 men who were employed by the commission previously as examiners in the service of the commission, and paid from another fund, had been continued as they were, or paid as they had been, the \$50,000 would have covered the expenses and compensation of the examiners for the year?

Mr. TAWNEY. Yes; and more than covered it. Mr. Chairman, it was the understanding at that time that the 12 examiners, who were then employed and paid out of the general appropriation for the Interstate Commerce Commission, would continue to receive their compensation out of that appropriation, and that the \$50,000 was for the compensation and expenses of the new or additional examiners. As to the purpose of the committee as expressed by me at that time, I want to read just two paragraphs contained in the remarks I made at that time:

The committee has proceeded upon the theory that the commission can not at this time use the maximum amounts it estimates will ultimately be required to give them the service they desire. We have therefore proceeded slowly as we gained information from experience as to the necessities of the service, and not otherwise. It is for that reason the committee has recommended what we think will be ample to provide for all the inspection required for the next six months, when Congress will again be in session, and when, if the experience of the commission shows that more money is needed, more money will be appropriated.

The \$50,000, Mr. Chairman, was not alone for new men, but it was recommended at that time with the understanding that the commission itself did not know definitely and had no accurate information as to the amount of money that would be necessary for this new service. Then I added, in another paragraph:

The amount carried in this bill is not because of any antipathy to, or any desire on the part of, any member of the committee to cripple or impair or hamper the administration of the law in any way, but we do not want to rush in blindly and appropriate at the beginning more than is necessary for this service, for we know the amount can never be reduced.

Mr. Chairman, it was in line with the policy of the Committee on Appropriations that the commission began the administration of this appropriation. It is greatly to the credit of the commission that although it had more money than was necessary it did not allow that fact to influence it into making unnecessary or extravagant expenditures for this service. During the time of the hearings on this bill the chief statistician did call on me and explained why they were unable to employ more men than had been employed thus far during this fiscal year. It was because of the fact, as he explained, that they could not under the civil-service regulations obtain competent men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I am satisfied that the Interstate Commerce Commission will administer this appropriation the coming fiscal year with the utmost economy; that it will secure only the most efficient and competent men for this service. I do not think the commission will need or can expend in the next fiscal year the \$350,000 which this bill carries; but if they do or can, I am perfectly willing that they shall have the full amount which they now estimate can be expended. For that reason, Mr. Chairman, I hope that this amendment offered by the gentleman from New York [Mr. FITZGERALD] will not prevail.

I want to say that in reappropriating the \$225,000 of the unexpended balance of the current appropriation, it is done more for the purpose of emphasizing the fact that when we were in-

augurating this new service no individual Member of the House or anyone else could determine with any degree of accuracy the amount that would be required for that service, and that therefore they were not justified in impugning the motives of those who differed with them. It is also reappropriated for the purpose of emphasizing the fact that the charge made upon this floor, and the charge that has been made ever since in certain newspapers of this country, that the Committee on Appropriations in recommending all the commission has expended was attempting to throttle the execution of the interstate-commerce act was absolutely and unqualifiedly false. Our experience now demonstrates the fact with a balance at the end of this fiscal year of at least \$225,000 or \$250,000 unexpended from this appropriation, that there was no intention on the part of the Committee on Appropriations nor on the part of those who voted to sustain the committee to cripple or in any way interfere with the execution of the interstate-commerce act.

Mr. Chairman, not only myself, but nearly every member of the Committee on Appropriations during the past year has been severely criticised in the public press for reporting an appropriation of only \$50,000 for this service, which now appears to have been more than the commission can expend in this fiscal year in executing section 20 of the Hepburn Act, had the 12 employees or examiners remained under the general appropriation, as it was then intended they should do, and had they not been transferred to the appropriation of \$350,000 on the 1st of last July, when this appropriation became available. Instead of there being 162 men ready to enter this service a year ago, as was stated upon this floor by the gentleman from Michigan [Mr. TOWNSEND], the commission did not have a man ready to enter the service when the appropriation was made, and in the first month after this appropriation became available they added only 8 men to the 12 then employed. If gentlemen will refer to the hearings, on page 592, you will there see a complete statement of the expenditures by months, the amount expended for compensation, expenses, and also of the number of special agents or examiners.

In the month of July they had 20, just 8 more than they had when this appropriation was made in May. In the month of August they had 20, in the month of September they had 24, in the month of October they had 32, in the month of November they had 33, in the month of December 35, and in the month of January 1 less, or 34. So that, Mr. Chairman, the criticism of the committee, either here or elsewhere, on account of our having recommended \$50,000 for this service during the first six months of this fiscal year was absolutely without justification in fact or in reason. In the light of our experience it is now proven that those who charged that the recommendation of the committee was a mere sham and was evidence of an intent on our part to destroy the effect of the interstate-commerce act was made either through ignorance or malice.

Now, Mr. Chairman, in regard to the hearings on this estimate at this session, as I said before, Professor Adams, the statistician of the commission, called on me.

I told him I did not think it would be necessary to have any hearings on the proposition other than what we did have and what he told me personally, and that was it was impossible for them to get men under the civil-service regulations who were competent to perform the high grade of service required in the enforcement of this section, but that at the present time, by some arrangement—I do not now pretend to quote what Mr. Adams said, but my impression is that by excepting these places from the civil-service regulations they were either now or expected in the near future to obtain more competent men for the performance of this service. Thereafter the chairman of the commission, Mr. Knapp, in a letter addressed to me February 9, says:

MY DEAR MR. TAWNEY: Mr. Adams found it necessary to leave somewhat unexpectedly for the West on Sunday, and therefore was not able to tell me personally of the interview that he had with you on Saturday. Indirectly I understand that your suggestion to him was to reappropriate for the coming fiscal year \$250,000 from the unexpended balance of the appropriation of \$350,000 for this fiscal year to "further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce" and make a new appropriation of \$100,000, so that for the coming year there will be available the sum of \$350,000 for that branch of our work, which is the same amount appropriated for the current year.

I understood that you were expecting some response from Mr. Adams to that suggestion. I therefore write to say for the commission that it is probable we shall expend \$125,000 of the \$350,000 appropriated for the present year. The unexpended balance that can be reappropriated will therefore not exceed \$225,000. The commission sees no objection to making the appropriation in the form suggested, reappropriating the unexpended balance of \$225,000 and making a new appropriation of \$125,000, so that the full \$350,000 will be made available for the coming fiscal year. There will be required for the next year at least \$350,000 for this branch of the service.

Very sincerely, yours,

MARTIN A. KNAPP,
Chairman.

In the light of what transpired on this floor when it was proposed to increase the appropriation from \$50,000 to \$350,000, and in view of the statements which were then made and have since been made regarding the motive that prompted the Committee on Appropriations to recommend \$50,000 for this service this year, this admission on the part of the chairman of the Interstate Commerce Commission that Congress at its last session appropriated at least \$225,000 more than was necessary for this purpose ought to satisfy any sane man of the falsity of the charges made against the Committee on Appropriations or any member of that committee. This admission is also a tribute to the judgment of those who in this House voted against the appropriation of more money than the Interstate Commerce Commission could expend during the current fiscal year for this service.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I remember, and there are many in this House who remember, when we were going along in this way on this particular kind of bill about four or five years ago, that the gentleman from Georgia [Mr. BARTLETT] rose and offered an amendment of \$250,000 to help execute the Sherman antitrust law, that had been called for time and again by all the Attorneys-General, going way back almost to the beginning of that law, and in a few moments on the other side the gentleman from Iowa [Mr. HEPBURN] offered an amendment, or a substitute, appropriating \$500,000, and that became a law in that bill, and a few years after that we appropriated \$250,000 to add to that \$500,000, a part of which had been used, but a small part, I will say.

Each year since then we appropriated several hundred thousand more for that fund, and in the bill now pending we have \$250,000 "balance," and add to that amount \$100,000 or more, which would make that fund something over \$400,000. Now, the fact is, Mr. Chairman, that for twelve months or more after that first \$500,000 was appropriated there was less than \$30,000 used by the Attorney-General and his associates in executing that law, and the most of that was used in the merger or "Northern Securities" case. There was a handful used in the beef-trust case, which dragged behind the merger case.

Now, gentlemen, what was the moral effect of appropriating that \$500,000? It certainly did not have an immoral effect. It certainly showed the violators of that law that Congress meant to do all that it could to have the law executed.

And simply because violators of that law have grown in number; because trusts and combinations have become stronger in this country; because we have not been able to put a single one of the malefactors and violators of that law in the penitentiary; because we have not been able, in other words, to do as that law provides shall be done in a given case, does that argue that we shall abandon this appropriation, that we shall abandon the proposition and policy of keeping more than, you might say, just a sufficient amount in the hands of the Department of Justice of this country to enforce the law? Or does it not argue that we should keep it, in full amount, up to the standard with which we started, \$500,000? And in the wisdom of the committee it is kept up in the neighborhood of \$500,000, appropriating in this bill, as I say, \$100,000, in addition to reappropriating the balance, \$250,000, that is to the credit of the fund.

Mr. MANN. One hundred and twenty-five thousand dollars.

Mr. GAINES of Tennessee. One hundred and twenty-five thousand dollars. Now, gentlemen, what did the gentleman from Georgia [Mr. BARTLETT] have to go by when he offered this \$250,000 amendment? Nothing but his wisdom; nothing but his courage; nothing but his knowledge of law; nothing but his keen sense of right and justice toward the people. But he rose at his desk here and, like a thunderclap, proposed that amendment. And what did the gentleman from Iowa [Mr. HEPBURN] have to go by when he proposed \$500,000 in lieu? And what have we gone by when we have gone from \$150,000 to \$200,000 every year to keep that fund intact? We have had no facts; nothing but our general knowledge.

Now, here is our great railroad court—the Interstate Commerce Commission—that said at first they wanted \$750,000. They made another investigation and, hurriedly, perhaps, said \$500,000; and then the committee, in all its wisdom—and it is a great committee, a committee of strong men that I have great respect for—brought in, as I say, a little pittance of "\$50,000."

I say "pittance" now because I think I said "pittance" at the time, because it looked like one compared to \$750,000 and \$500,000. I voted to raise the \$50,000 to \$350,000, and in the light of the conditions that then surrounded me I make no apologies now, no more than I did when I voted years ago for \$500,000 to execute the Sherman antitrust law, or the subse-

quent sums we have added to that nucleus, with no official data to go by in fixing the sum.

What is the matter here? What great bugaboo are you making of the \$350,000 that this Interstate Commerce Commission have not been dishonest enough to spend without just cause? They are an honest lot of men, or they would not be on that commission. Do you tell me that old man Cockrell would do something wrong, that great Jeffersonian Democrat from the State of Missouri? I say, "No."

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would like two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, the railroads were opposed to that amendment. Why? Because they thought that Roosevelt's dogs and the people's watchdog, that railroad commission, would soon be on their malevolent and lawless tracks. And now, because the commission has not been able to get the experts, because it has not been able to get the scientists, because in a few months it has not been able to do all the commission proposed to do under the law, and what they propose now to try to do and want to do, some Members here to-day make a great show of words and argument and demonstrate a great deal of spirit against the proposition, including the gentleman from Michigan [Mr. TOWNSEND], because his amendment for \$350,000 was made law and he fought like a hero to have it made law.

As for me, I make no apologies for voting for it, and I shall vote against the amendment of the gentleman from New York [Mr. FITZGERALD]. And when I go into, if you please, the hills of private life in far-away "Sunny Tennessee," I shall stand then upon, as now, and have for years, every position I have taken here, to make the lawless railroad combinations and trusts turn loose the people's throats, their hands and feet, their liberties by nature and law, and let them stand up under theegis of the American Constitution like freemen. [Applause on the Democratic side.] Because, Mr. Chairman, the commission has not been able to spend this money we are to vote it out. I hope the commission will find an opportunity to use it, if it is necessary in the execution of the law, which I am satisfied they will execute.

Suppose the Supreme Court decides against the railways on this commodity proposition. The commission will have to send a corps of men all over the country to investigate the question whether or not the railroads are owning their own coal mines and are operating them. After the commission has had a fair chance; after the railroads have stopped enjoining them; after the Supreme Court has been speaking in no uncertain tones, as it does every time it acts, the commission will proceed to set up the rights of the American people under the law. For my part, I am going to vote against the amendment of the gentleman from New York, and stand where I did a year ago. Let us stand firm and square with law and order, for justice to all, and err, if err we must, on the side of the people.

Mr. MANN. Mr. Chairman, I take it that the gentleman from New York in offering his amendment only offers it as a part of that facetious cynicism which he sometimes gives to the House. There is not a Member in the House who has more facility in expressing in good-humored sarcasm a situation than the gentleman from New York. I take it that he only desires to emphasize the fact that a year ago, as events have now proven, the Committee on Appropriations was right and the President was wrong in reference to this appropriation. Now, if it had not been for the unfortunate language of the President in reference to the Committee on Appropriations there would be no discussion of this subject. When the Committee on Appropriations considered the matter a year ago they recommended an appropriation of \$50,000 as being the amount that could be profitably expended during this fiscal year. The President in his ardor, and I do not criticize him for his ardor, but praise him for it—the President in his ardor sent a letter to the Speaker of the House in which he accused the Committee on Appropriations of proposing to indulge in "sham legislation." He stated that this was "sham opposition;" that the law had better be repealed than adopt the "sham proposition" of the Committee on Appropriations. It was unfortunate that the President was led to believe by some one in his confidence that the Interstate Commerce Commission could expend \$350,000 in this work during this fiscal year. The commission, although they had first recommended over \$700,000, although they had afterwards on consideration recommended \$500,000, to their credit, when they had in their hands \$350,000, proceeded in a logical and sensible manner, as the Committee on Appropria-

tions had supposed when they reported the bill a year ago the commission would proceed.

It would seem that the Committee on Appropriations in reporting the bill a year ago had better knowledge of what the Interstate Commerce Commission could do in this fiscal year than the commission itself had. But the commission, although their pride might have led them to expend this money in order that they could say that it had been expended; although they might have expended it with a wish simply of justifying their opinion; yet the commission have not uselessly expended the money. They have waited until they could prepare a proper organization. That organization is in the course of further preparation and completion. The commission ought to have all the money it needs to enforce this uniform system of accounting. There was no disposition, I take it, on the part of the Committee on Appropriations a year ago to hamper the commission in the enforcement of that section. There certainly was no disposition on the part of the House or of Congress. Mr. Chairman, it often happens that executive branches of the Government think they can expend more money. It is the duty of the Committee on Appropriations to ascertain what they think can be expended; and while the Committee on Appropriations may desire to justify themselves, I do not believe that either the chairman of the committee or the members of that committee on the majority side or the members of that committee on the minority side, need to defend themselves on the floor of this House. That committee and its members have the confidence of the House, and I hope that after this proof of their correct prophesying they will have the confidence of the Chief Executive, who was wrong about the expenditures a year ago, and who ought to acknowledge now that the Committee on Appropriations knew more about the subject even than he did, although he accused them of "sham recommendations." [Loud applause.]

Mr. FITZGERALD. Mr. Chairman, I wish to say only a few words. Some Members of this House seem to imagine that unless those who disagree with members of the majority or with those in the executive department become offensive in their remarks that they can not be serious. I never take offense at the attitude of the Executive or of our friends on that side of the House. I can conceive that some wisdom is possessed by men in official life opposed both to the present occupant of the White House and to those who occupy seats on that side of the House.

Sometimes some officials become offended because I, in a very humble way, attempt to express the opinions I hold on public questions. It is a matter of indifference to me that they become offended. I try to maintain that equilibrium of temper which I believe is essential to the proper discharge of the duties of a Member of this House. Last year when this matter was before the House, I said this:

I say, so far as I am concerned, that I believe that with the \$50,000 available for the next six months the commission will have an opportunity to demonstrate to its own satisfaction and to the satisfaction of reasonable men whether that amount is sufficient, or whether a much larger amount should be made available for this purpose.

Whenever I have an opportunity to demonstrate that in the discharge of my public duties my judgment has been accurate, I am glad to do so, even if it be that the good judgment of somebody else suffers by comparison. My judgment on this matter as formed last year has been vindicated. I am now of the opinion that the commission can not, during the coming fiscal year, use more than \$125,000. Believing that, I have no hesitation in expressing that opinion and asking the judgment of the House upon that question. I know that it is not in harmony with the views of some other Members.

I am aware that some officials or some friends of some officials may imagine that I am engaged in an attempt to show that they were ignorant of questions upon which they should have possessed full knowledge, but even these fears can not deter me from doing that which I believe to be proper. If it were possible to separate this matter from the unfortunate surroundings in which it has been enveloped, I am quite convinced that a great majority of the House would unhesitatingly express the belief that my position is correct. But understanding the conditions, understanding the situation in which some gentlemen unfortunately find themselves, I suppose that this money, unnecessary now, will be voted to the commission, so as to make it appear that there is no possible difference of opinion or controversy between the Congress and the Executive. I am glad that gentlemen on that side of the House are now coming to realize the importance of having harmonious relations between the Executive and the legislative body.

From a political standpoint I can not help regretting that you are awakening to what is a wise thing, even at this late day. I hope that there will be many relapses from your present virtuous stand, because I know that it will result not only bene-

ficially to the party of which I am a member, but that it will result in immense good to the great mass of the people of the country. Mr. Chairman, let me hope that those who do not fear not only the substance, but the shadow, of the "big stick," will have the courage to stand up and vote not to give money that is unnecessary at this time to this department of the Government.

Mr. MANN. Now, I suggest to the gentleman, as the "wind-up" of a very graceful speech, that he withdraw his amendment.

Mr. FITZGERALD. To be frank, I would do so if I did not have the absolute conviction that this money can not be used during the coming year. When the committee determined to make this appropriation, I said to the members of the committee that I did not believe the money could be used and that I would express my opinion in the Committee of the Whole.

Mr. MANN. The gentleman has expressed his convictions.

Mr. FITZGERALD. Well, I wish to have this committee record once more the fact that it is unable to appreciate common sense and prefers to do what it knows to be improper rather than follow common sense when it has the opportunity.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New York [Mr. FITZGERALD].

The amendment was rejected.

The Clerk read as follows:

To enable the Interstate Commerce Commission to investigate in regard to the use and necessity for block-signal systems and appliances for the automatic control of railway trains and any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape, including experimental tests, at the discretion of the commission, of such of said signal systems and appliances only as may be furnished in connection with such investigation, free of cost to the Government, \$50,000.

Mr. MANN. Mr. Chairman, I move to strike out the word "signal," in line 15, page 56.

The Clerk read as follows:

Page 56, line 15, strike out "signal."

Mr. MANN. The word "signal" ought not to be in this provision, because it relates to appliances and systems for safety devices, regardless of whether they are signal systems and appliances or not. The original resolution only applied to signal appliances.

Mr. TAWNEY. I think the amendment ought to be adopted. There is no objection to it.

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I notice in lines 4, 5, 6, and 7, on page 56, this provision:

Hereafter all inspectors employed for the enforcement of said act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General.

Does the expression "which report" mean that the inspectors shall make one report or does it mean "a copy of each report?"

Mr. TAWNEY. It is a report on the condition of the mail cars, a copy of which will be transmitted to the Postmaster-General. This provision has been carried in the sundry civil bill for two years. It was first suggested by the gentleman from Iowa [Mr. SMITH].

Mr. COOPER of Wisconsin. Yes; but it requires that "all inspectors" shall "make report," a copy of "which report," and so forth. Now, I want to know whether that one report—

Mr. TAWNEY. Oh, no; they report individually to the commission.

Mr. COOPER of Wisconsin. I was simply calling attention to the language—to the words "which report."

Mr. OLMSTED. The gentleman's suggestion would be cured by changing the word "which" to "each," so that it would read "a copy of each report."

Mr. MANN. This is sent in as one report to the Postmaster-General?

Mr. TAWNEY. I do not know how it is sent to the Postmaster-General.

Mr. SMITH of Iowa. I will state that this language was drawn at the office of the Interstate Commerce Commission.

Mr. COOPER of Wisconsin. But is it accurate as it now reads? It says that they shall all sign one report—a copy of "which report," and so forth.

Mr. SMITH of Iowa. I do not think it so states. It says that all inspectors shall make examination and make report. It does not say that they shall make a report, but they are to report, and that may be a hundred reports, a copy of which report shall be transmitted to the Postmaster-General.

Now, to require that everybody shall make a report, and a copy of the report be sent, does not imply that there shall be a single report. I think the language is apt, and I want to

say to the gentleman that it is a great economy to this Government in saving force of inspection.

Mr. COOPER of Wisconsin. I was trying to get at the proper construction of the language.

Mr. SMITH of Iowa. I want to say that inasmuch as these inspectors are employees of the Interstate Commerce Commission, it is not proper for them to report to the Post-Office Department. They are to report to the Interstate Commerce Commission, and after they have reported, a copy of their report goes to the Post-Office Department for the purpose of advising it as to the safety of the cars for mail purposes.

Mr. COOPER of Wisconsin. It does not say that they shall make a report to the Interstate Commerce Commission.

Mr. SMITH of Iowa. I beg the gentleman's pardon, but these inspectors are officers that have to report to the Interstate Commerce Commission.

Mr. COOPER of Wisconsin. It says they shall "make report thereon"—I suppose that goes to the Interstate Commerce Commission—and that a copy of "which report"—"which report" is in the singular—"all inspectors" make one report.

Mr. SMITH of Iowa. I do not so regard it. I think the language is apt and, as I say, was prepared by the Interstate Commerce Commission.

Mr. TAWNEY. Mr. Chairman, on yesterday we passed two items, one on page 36 and the other on page 13. The one on page 13 was an amendment offered by the gentleman from Washington [Mr. HUMPHREY], at the bottom of the page, inserting an item of \$30,000 for the construction of a post-office at Everett, in the State of Washington. I ask to return to those two items.

The CHAIRMAN. Without objection, the request of the gentleman from Minnesota will be granted.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 19, page 13, insert:

"Everett, Wash.: For site and completion of building under present limit, \$30,000."

Mr. TAWNEY. I want to say, Mr. Chairman, that it is stated by the gentleman from Washington [Mr. HUMPHREY] that the site has been acquired for the construction of this building and that no site has been selected for the construction of a building at Walla Walla, although the fact was reported otherwise to the Committee on Appropriations.

I learned this morning from the Supervising Architect that while the site has been selected for Walla Walla there has been some change since that selection, and there is no site now on which to erect a public building in the city of Walla Walla. I am informed by the Supervising Architect that the amount asked for to construct the building at Everett could not be expended during the next fiscal year if Congress made the appropriation. I therefore hope that this amendment will be disagreed to, and then I shall move to strike out the provision for Walla Walla.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to read a copy of a letter which I hold in my hand, addressed to the Speaker of the House of Representatives, dated February 20, 1909:

Referring to the act approved May 30, 1908, which authorized the purchase of a site and the erection of a building at Everett, Wash., at a cost of \$135,000, I have the honor to state that the site has been acquired, and in order that the work on the building may be commenced in the near future, an appropriation of \$40,000 is necessary. I have therefore earnestly to recommend that the following item be included in some appropriation bill of the present Congress:

"Everett, Wash., post-office and custom-house: For the prosecution of work under the present limit of cost, \$40,000."

Mr. Chairman, that is addressed to the Speaker and signed by Mr. J. B. Reynolds, Acting Secretary of the Treasury. I am at a loss to understand why he should have written a letter of that kind, requesting an appropriation to be made at this Congress, if he has given out the information that it would not be needed. What is the necessity of writing a letter of that kind and earnestly urging that it be made, if that statement is correct?

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Washington that I did not say that the Acting Secretary of the Treasury made the statement to me that the money, if appropriated, could not be expended. It was the Supervising Architect of the Treasury Department who made that statement to me, and it is upon his estimate and upon his testimony that the committee bases its recommendations. I want to further say that \$35,000 is now available for the purchase of a site, and also to apply on the construction of a building in Everett, and that is all the Supervising Architect says that he can expend during the next fiscal year on this building, and that if we make the appropriation of the addi-

tional amount, he can not touch it or expend it during the next fiscal year. There is nothing to indicate that the site was selected before the date which the committee adopted as the date for the selection of sites, and for which we would carry appropriations, and to appropriate now this additional amount for Everett would be placing Everett in a class by itself. For that reason I do not think we ought to treat Everett different than other places, but that we should treat all of them alike.

Mr. HUMPHREY of Washington. Mr. Chairman, I am not asking for different treatment from anyone else. I want to ask the gentleman whether that statement quoted was made in writing?

Mr. TAWNEY. In regard to what?

Mr. HUMPHREY of Washington. In regard to not desiring the appropriation for this year.

Mr. TAWNEY. The statement was made by the Supervising Architect this morning, in the presence of the subcommittee on the general deficiency appropriation bill. Whether the stenographer took it down or not, I do not know.

Mr. HUMPHREY of Washington. In view of the many statements that have been made both ways on this question, I would like to have some statement in writing in regard to the matter.

Mr. TAWNEY. I take it if the gentleman from Washington will apply to the Supervising Architect he will receive a statement in writing that if Congress should appropriate this money it would be impossible for him to expend it, for that is the statement he made to the subcommittee on the general deficiency bill this morning.

Mr. HUMPHREY of Washington. I am going to ask that this item be again passed, to see if I can get a statement of that kind, so that we may have something in the Record to show the facts. I do not like to be placed in the position of having a statement made by the Secretary of the Treasury one way and nothing in the Record to show the other. I am not asking to be treated any differently in this matter from the rest; and if it is true, as he states, that the site was not selected before the 15th of January and it would be useless to appropriate the money this year, I do not want it. If the contrary is true, I do want it. In either case I want the record, so that the people who are interested in this building can know the truth.

Mr. TAWNEY. Mr. Chairman, I think that the estimate sent to the Speaker by the Acting Secretary of the Treasury was doubtless sent at the request of the gentleman from Washington.

Mr. HUMPHREY of Washington. It was, I presume, and the statement made to the Speaker is that they want the appropriation now. The Acting Secretary says that he earnestly recommends that this item be included in some appropriation bill of the present Congress, asking for \$40,000. The gentleman's information is to the contrary.

Mr. TAWNEY. No; my information is this: They now have \$35,000. The site was not selected prior to the 15th of January.

Mr. HUMPHREY of Washington. I ask unanimous consent that this may go over until to-morrow, to see if we can get a statement.

Mr. TAWNEY. I object.

Mr. GAINES of West Virginia. Oh, do not object; let us get what the facts are.

The CHAIRMAN. Objection is made.

Mr. TAWNEY. I object for this reason: I think the matter ought to be disposed of on the statement of the gentleman himself. He does not bring himself within the rule, stating that the site has been selected some time in the month of February.

We have rejected appropriations in every case except one, which was spoken of yesterday, where the site was selected subsequent to the time the revised estimates came in, and I simply added the further reason why we should not make the appropriations, which was that the Supervising Architect said that if the money was appropriated it could not be expended, as they had \$35,000 now.

Mr. HUMPHREY of Washington. If the gentleman will wait until to-morrow and I get the statement from the architect, and it is as the gentleman has stated, why then I will agree it may be stricken out without further argument or debate. What I want is to get a statement from the department in such shape that I can put it in the Record and show what the facts really are in reference to this matter.

Mr. TAWNEY. With that understanding, Mr. Chairman, I will withdraw my objection.

Mr. HUMPHREY of Washington. I do not intend to take up any more time, but I do not think the gentleman would gain any time by not doing so.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Now, Mr. Chairman, I ask to return to page 36, lines 3 to 5, inclusive, Walla Walla, and I move to strike them out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, strike out lines 3, 4, and 5.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28245, the sundry civil appropriation bill, and had directed him to report that it had come to no resolution thereon.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take the fortifications appropriation bill (H. R. 27054) from the Speaker's table, nonconcur in the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take the fortifications appropriation bill from the Speaker's table, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. FITZGERALD. Are there many amendments to this bill?

Mr. SMITH of Iowa. One.

Mr. FITZGERALD. Why not concur in it; it is so modest?

The SPEAKER. The Chair hears no objection, and the Chair announces the following conferees.

The Clerk read as follows:

Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY.

CITY AND SUBURBAN RAILWAY.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 20837 and ask to nonconcur in the Senate amendments and send the same to conference.

The SPEAKER. The gentleman from Michigan asks to take from the Speaker's table the following bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes.

Mr. MANN. Mr. Speaker, I object.

Mr. SIMS. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, I make the point of order that this should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. Upon what ground?

Mr. MANN. There are a number of Senate amendments which would require consideration in the Committee of the Whole House, as I recall them.

Mr. SMITH of Michigan. Will the gentleman yield for a moment? I concede the gentleman has the right, but I want to say that if that bill has to go back to the committee it means that two bills of some importance will not be considered at this session of Congress. Now, this amendment was put on the city and suburban bill, and it passed the other day, which is simply in the interest of safety to life—

Mr. MANN. A very simple bill passed the House the other day—

Mr. SMITH of Michigan. It was.

Mr. MANN (continuing). And a very complicated and complex bill comes back from the Senate.

Mr. SMITH of Michigan. The second amendment simply authorizes the Washington, Spa Springs and Greta Railroad Company—

Mr. MANN. Oh, the Senate amendment authorizes every other car line in the city of Washington to do certain things that they are not now authorized to do.

Mr. SMITH of Michigan. That is the first amendment.

Mr. MANN. Well, I think it ought to be considered in the Committee of the Whole House on the state of the Union before it is enacted into law. It is a very sweeping and broad proposition.

Mr. SMITH of Michigan. Well, I was in hopes the gentleman would withdraw his objection and let it go to conference. I think the matter can be satisfactorily adjusted there to the satisfaction of the two Houses.

Mr. MANN. It is a proposition that I think ought to be considered by the Committee of the Whole House.

The SPEAKER. The Chair desires to ask the gentleman, as a matter of fact, whether or not the Bladensburg road is held in fee by the United States in whole or in part?

Mr. SMITH of Michigan. The bill is properly on the Union Calendar. There is no question about that. It is a Senate bill which the House has already considered. It is properly on the Union Calendar, and that is why I ask unanimous consent, as I did, to send it to conference.

The SPEAKER. Does the original House bill give such location on the Bladensburg road as the Senate bill? The Senate amendment, touching the right of way on the Bladensburg road, is new?

Mr. SMITH of Michigan. Yes, sir.

The SPEAKER. The Chair sustains the point of order.

METROPOLITAN POLICE.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15230, an act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," and concur in the Senate amendment.

The Senate amendment was read.

Mr. MADDEN. Mr. Speaker, I reserve the right to object. That ought to go to the Committee of the Whole House.

Mr. SMITH of Michigan. Mr. Speaker, I hope the gentleman will reserve his objection for just a moment.

Mr. MADDEN. I make the point of order that it ought to be on the Union Calendar.

Mr. SMITH of Michigan. This only strikes out—

The SPEAKER. The Chair is of the opinion that the point of order is not well taken. It merely amends the bill by striking out the words "sickness or."

Mr. SMITH of Michigan. That is one of the two ways in which they were to get relief.

The SPEAKER. The Chair is inclined to think it is not subject to a point of order. But under the rule it is subject to such motion—

Mr. MADDEN. Mr. Speaker, I move that the bill be referred to the Committee on the District of Columbia.

The question was taken, and the motion was rejected.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the amendment was agreed to.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that it may be considered in order to take up and dispose of District of Columbia business the same as of yesterday, after the disposition of the sundry civil bill.

Mr. MADDEN. Mr. Speaker, I object.

INDIANS OF FORT BERTHOLD RESERVATION.

The SPEAKER laid before the House the following request from the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate a bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907.

The SPEAKER. If there be no objection, the request of the Senate will be complied with.

There was no objection.

SUBPORT OF ENTRY, RANIER, MINN.

Mr. BEDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 9017, and amend by striking out all after the enacting clause and inserting the bill H. R. 27478, which is No. 421 on the Union Calendar. This is a bill for a subport of entry at Ranier, Minn.

The Senate bill contains the words "St. Paul," where it should contain the word "Minnesota." It should be "collection district of Minnesota," but in the Senate bill it says "collection district of St. Paul."

The SPEAKER. The gentleman from Minnesota [Mr. BEDE] asks unanimous consent to take from the Speaker's table the bill (S. 9017) for the establishment of a subport of entry at Ranier, Minn., and amend by striking out all after the enacting clause and inserting the bill H. R. 27478.

The Chair would suggest to the gentleman to strike out the words "St. Paul."

Mr. BEDE. The House bill has been reported by the Committee on Ways and Means.

The SPEAKER. Precisely. How does the House bill differ from the Senate bill?

Mr. BEDE. It is the same, except the name. I would be willing to correct it by striking out "St. Paul."

The SPEAKER. The gentleman asks unanimous consent that the words "St. Paul" be stricken out of the Senate bill. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was ordered to a third reading, read the third time, and passed.

Subsequently,

The SPEAKER. Without objection, House bill 27478, substantially similar to the bill of the Senate which has just been amended, will lie on the table.

There was no objection.

LANDS IN THE CANAL ZONE.

The SPEAKER laid before the House the bill (H. R. 18694) relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama, with Senate amendments, which were read.

Mr. MANN. Mr. Speaker, I move the House concur in the Senate amendments.

Mr. FITZGERALD. What are the amendments of the Senate?

Mr. MANN. The House bill originally passed last year was for the leasing of lands on the Canal Zone. Section 4 authorized the President to make exchange of lands. The necessity for that has expired, I may say, and the Senate amendment has stricken that out and renumbered the sections.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I understand that the diplomatic and consular appropriation bill (H. R. 27523) has been returned from the Senate and is on the Speaker's table. I ask unanimous consent that the House disagree to the Senate amendments and send the bill to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill, with Senate amendments, disagree to the Senate amendments, and ask for a conference thereon. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Mr. COUSINS, Mr. LANDIS, and Mr. HOWARD.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SMITH of Michigan. To make a motion, may it please the Chair. I would like to see if we can get some time for the disposition of District business.

The SPEAKER. What is the gentleman's motion?

Mr. SMITH of Michigan. I move that it may be in order to take up and dispose of District bills, the same as it was in order on Monday, after the disposition of the sundry civil bill. I desire to state that there are certain Members—

The SPEAKER. The Chair thinks the motion is hardly in order. Does the gentleman ask unanimous consent?

Mr. SMITH of Michigan. No; I move that it may be in order after the disposition of the sundry civil appropriation bill to take up and dispose of District business the same as of yesterday.

Mr. MANN. I make the point of order that it is not in order.

The SPEAKER. The Chair sustains the point of order; it is not in order under the rule. If the gentleman desires to ask unanimous consent—

Mr. SMITH of Michigan. I made the request, and that was refused. There was objection made. I asked unanimous consent, and some one objected.

Mr. MADDEN. Mr. Speaker, I have no objection to unanimous consent being granted for the purpose of considering unobjected bills, but that is the only condition upon which I am willing to give unanimous consent.

Mr. SMITH of Michigan. There are 15 or 20 bills on the calendar, and somebody could get up and raise an objection to every bill. There is the bill for admission to the insane asylum, the teachers' retirement bill, and three or four others that would take considerable time that we could not get up if there was objection. We have several Senate bills that we would like to dispose of.

Mr. MADDEN. Mr. Speaker, I will withdraw my objection on the condition that bills be called up for unanimous consent.

Mr. SMITH of Michigan. Well, I will accept that.

The SPEAKER. The gentleman modifies the request, and asks unanimous consent that, on the completion of the sundry civil bill, it shall be in order to call up bills by unanimous consent relating to the District of Columbia.

Mr. KEIFER. I would like to know for what length of time. You say, after finishing this bill, the same day or next day.

Mr. HENRY of Texas. I did not hear the request of the gentleman from Michigan.

Mr. KEIFER. There ought to be some limit of time in which they can call up the bills.

Mr. MANN. I suggest that the gentleman make his request that it be in order, after the disposition of the sundry civil bill, to take up bills reported from the Committee on the District of Columbia, to the consideration of which no objection is made. That limits the time, in effect.

The SPEAKER. Does the gentleman modify his request?

Mr. SMITH of Michigan. Yes.

The SPEAKER. Is there objection?

Mr. HENRY of Texas. I did not hear the request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that, on the completion of the consideration of the sundry civil appropriation bill, it shall be in order to call up bills in order on Monday, District day, to which bills no objection is made.

Mr. HENRY of Texas. I do not object to that.

Mr. SHERLEY. Does that give him any right that he does not now possess?

The SPEAKER. It would make it in order for the gentleman to ask unanimous consent. As it is now, it would be in order to ask unanimous consent, if the gentleman could humiliate himself enough to suggest to the Speaker that he submit the request for unanimous consent.

Mr. MANN. I take it that the regular order at that time would be the presentation of such bills, with the right to object to their consideration, which makes quite a difference.

Mr. SHERLEY. Do I understand that this takes away from the Speaker the very important power of determining whether he will grant recognition?

The SPEAKER. Greatly to the Speaker's gratification, yes.

Mr. SHERLEY. Out of consideration for the Speaker, I shall not object. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8245. An act to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes—to the Committee on Indian Affairs.

S. 8058. An act authorizing the Attorney-General to appoint as special police officers such employees of the Alaska school service as may be named by the Secretary of the Interior—to the Committee on the Territories.

S. 7298. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901—to the Committee on the Library.

S. 7226. An act granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla.—to the Committee on the Public Lands.

S. 4229. An act for the relief of Capt. John C. Wilson, U. S. Navy, retired—to the Committee on Naval Affairs.

S. 4027. An act to parole United States prisoners, and for other purposes—to the Committee on the Judiciary.

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances—to the Committee on the District of Columbia.

S. 8905. An act for the establishment of a probation system for the District of Columbia—to the Committee on the Judiciary.

Senate concurrent resolution 102.

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of Senate document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House Reports of 1888, 1890, 1894, and 1897, 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives—to the Committee on Printing.

Senate concurrent resolution 103.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 1,500 additional copies of the final report of Jamestown Tercentennial Commission, embodying the reports of the various officers of the Jamestown Exposition held at Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives—to the Committee on Printing.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill (with Senate amendments) of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 20837. An act entitled "An act to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes"—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district; and

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France; and

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882.

RECESS.

Mr. TAWNEY. Mr. Speaker, I move that the House do now take a recess until 11 o'clock to-morrow morning.

The motion was agreed to.

Accordingly (at 5 o'clock and 52 minutes p. m.), the House took a recess until Wednesday, February, 24, 1909, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Trent River, North Carolina (H. Doc. No. 1471)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas R. Hardaway, administrator of estate of Alfred Anderson, against The United States (H. Doc. No. 1472)—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for site for a public building at Morgantown, W. Va. (H. Doc. No. 1473)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for work on the public building at Everett, Wash. (H. Doc. No. 1474)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON of Michigan, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 225.) authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., reported the same without amendment, accompanied by a report (No. 2224), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 17986) providing for the erection of two memorial arches at Valley Forge, Pa., reported the same without amendment, accompanied by a report (No. 2225), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 28286) for the retirement of employees in the classified civil service, reported the same with amendments, accompanied by a report (No. 2227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 28304) grant-

ing certain obsolete ordnance for ornamental purposes, reported the same without amendment, accompanied by a report (No. 2229), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 6183) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported the same without amendment, accompanied by a report (No. 2232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WILEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 9402) for the relief of John H. Layne, reported the same without amendment, accompanied by a report (No. 2226), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 108) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba, reported the same without amendment, accompanied by a report (No. 2230), which said joint resolution and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4035) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897, reported the same without amendment, accompanied by a report (No. 2228), which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2544) for the relief of William Martinson, reported the same without amendment, accompanied by a report (No. 2231), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 28291) granting a pension to Charles Payne, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Texas: A bill (H. R. 28301) to encourage and promote commerce in agricultural products among the States and with foreign nations, and to remove obstructions thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. ESTOPINAL: A bill (H. R. 28302) authorizing and empowering the Secretary of the Department of Commerce and Labor to establish aids to navigation in Southwest Pass, Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: A bill (H. R. 28303) authorizing the purchase of a site for the accommodation of the Supreme Court of the United States—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State, and to detach it from the Fort Worth division of said court—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: Resolution (H. Res. 588) to pay for clerical service to Committee on Rivers and Harbors—to the Committee on Accounts.

By Mr. ACHESON: Memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. BONYNGE: Memorial of the legislature of Colorado, concerning the admission of the Territory of New Mexico as a State—to the Committee on the Territories.

By Mr. SULZER: Memorial of the legislature of Wyoming, relating to creating forest reserves—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. LINDSAY: Memorial of the legislature of Wyoming relating to homestead laws—to the Committee on the Public Lands.

By Mr. HUFF: Memorial of the State of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming relating to creating forest reserves—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 28306) granting a pension to Walter O. Hester—to the Committee on Pensions.

Also, a bill (H. R. 28307) granting an increase of pension to James Crombie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28308) granting a pension to Medicus F. Day—to the Committee on Pensions.

Also, a bill (H. R. 28309) for the relief of Jeremiah Looper—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 28310) granting an increase of pension to John L. Sumner—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 28311) for the relief of Willis S. Mahon—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 28312) granting a pension to George Mahood—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 28313) for the relief of the heirs at law of the late Joseph S. Claghorn and John Cunningham, both now deceased—to the Committee on War Claims.

By Mr. HIGGINS: A bill (H. R. 28314) granting an increase of pension to John E. Drohan—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 28315) granting an increase of pension to Walter C. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28316) granting an increase of pension to Robert Morris—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28317) granting a pension to Frederick Wagner—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 28318) to correct the military record of John B. Cox—to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 28319) granting an increase of pension to Charles J. Brown—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 28320) for the relief of the heirs of Augusta W. Diehl, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: Resolution (H. Res. 587) to pay Joseph H. McGann a certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Samuel J. Taylor, of the coal operators of Pittsburg, favoring establishment of a bureau of mines—to the Committee on Mines and Mining.

By Mr. AIKEN: Paper to accompany bill for relief of Jeremiah Looper—to the Committee on War Claims.

By Mr. ANDRUS: Petition of Mrs. Agnes Collard and other citizens of New York, favoring legislation to regulate interstate commerce in intoxicants—to the Committee on Interstate and Foreign Commerce.

Also, petition of Port Chester (N. Y.) Lodge, No. 863, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.

Also, petition of George W. Patterson, of Yonkers, N. Y., favoring reduction of duty on gloves—to the Committee on Ways and Means.

By Mr. ANTHONY: Petition of business men of Atchison, Kans., requesting the removal of duty of 15 per cent on hides—to the Committee on Ways and Means.

Also, house concurrent resolution of the State of Kansas, urging that just and reasonable duty be placed on zinc ores—to the Committee on Ways and Means.

Also, petition of Atchison (Kans.) Lodge, No. 647, Benevolent and Protective Order of Elks, for an appropriation to create a reserve in the State of Wyoming for the protection of the American elk—to the Committee on the Public Lands.

Also, petition of C. L. Knapp & Co., of Leavenworth, Kans., asking revision of the tariff on crockery—to the Committee on Ways and Means.

Also, senate concurrent resolution 19 of the legislature of Kansas, favoring law against issue of liquor licenses by the Federal Government in prohibition States unless issued in strict accordance with such prohibitory laws, and for an amendment to the interstate-commerce act prohibiting shipment of intoxicants into a prohibition State for sale in said State—to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Etna Grange, No. 1631, favoring a national highways commission—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of citizens of Maine, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of residents of Jackson, Me., favoring passage of the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Star Egg Carrier and Tray Manufacturing Company, favoring H. R. 21929—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an appropriation of \$50,000,000 annually for waterways—to the Committee on Rivers and Harbors.

Also, petition of the United Master Butchers' Association, favoring repeal of the tax of 10 cents per pound on colored but-terine—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of citizens of Wisconsin, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of citizens of Swissvale, Pa., favoring the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Clinton (Iowa) Lodge, No. 199, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. DOUGLAS: Petition of the farmers' institute of Pleasantville, Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Joint resolution of the State of Wyoming, for legislation relating to creating forest reserves—to the Committee on Agriculture.

By Mr. ELLIS of Oregon: Petition of L. Sauer and 161 other employees of the Standard Box and Lumber Company, of Portland, Oreg., against the removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. ESCH: Petition of business firms in Laurel, Wis., against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. FERRIS: Memorial of the legislature of Oklahoma, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FOSTER of Illinois: Petition of Centralia (Ill.) Lodge, No. 493, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. FULTON: Petition of citizens of Cimarron County, Okla., in support of H. R. 25809—to the Committee on the Public Lands.

Also, memorial of the legislature of Oklahoma, favoring a national highways commission—to the Committee on Agriculture.

By Mr. GARNER: Petition of citizens of Brownsville, Tex., favoring the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT: Petition of retail merchants of Barre, Mass., against parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Protest of citizens of Orr, N. Dak., against import duties on tea and coffee—to the Committee on Ways and Means.

By Mr. HEFLIN: Petition of the Woman's Christian Temperance Union of Lafayette, Ala., for legislation to prevent shipping liquor into prohibition States—to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of citizens of Tullahoma, Tenn., favoring the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. HUFF: Petitions of Mount Pleasant (Pa.) Lodge, No. 868, and Monessen (Pa.) Lodge, No. 773, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of Frank A. Schimpf, of Philadelphia, Pa., protesting against the reduction of the tariff affecting the lithograph industry—to the Committee on Ways and Means.

Also, protest of J. Kern, the Greensburg Hardware Supply Company, R. M. Bowser & Son, and John F. Ely, against establishment of parcels-post—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. KAHN: Petitions of Andy Fisher and 76 other residents of Ironton, Mo.; Ira H. Craig and 47 other residents of Wanamic, Pa.; W. A. Bauer and 47 other residents of Pittsburgh, Pa.; J. G. Leith and 138 other residents of the State of Washington; Robert Purtle and 15 other residents of Tacoma, Wash.; James A. Ulrich and 45 other citizens of Middletown, Pa.; Abel Adams and 49 other residents of Hoquiam, Wash.; Wilbur F. Knapp and 112 other residents of San Francisco, Cal.; Charles Gildea and 84 other residents of San Francisco, Cal.; Frank C. Maphet and 46 other residents of Madisonville, Ohio; and A. S. Andrews and 12 other residents of Brockton, Mass., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Ellen O'Donnell—to the Committee on Invalid Pensions.

Also, petition of the Marine Cooks and Stewards' Association of the Pacific, against removal of marine hospital from its present location in San Francisco city to Angel Island—to the Committee on Naval Affairs.

By Mr. KNAPP: Petition of merchants of Pulaski, N. Y., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Watertown (N. Y.) Lodge, No. 496, and Oswego Lodge, No. 271, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. LAWRENCE: Petition of North Adams (Mass.) Lodge, No. 487, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

Also, petition of the Men's Club of the Methodist Episcopal Church of Dalton, Mass., favoring the Burkett-Foelker bill (S. 8703), preventing telegraphing of gambling bets, etc.—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of citizens of Alexandria, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of loyal veterans' organizations, against erection of secession monuments in the District of Columbia—to the Committee on the Library.

Also, petition of the International Brotherhood of Bookbinders, against printing for the census being done outside of the Government Printing Office—to the Committee on the Census.

Also, petition of the National Lime Manufacturers' Association, for appropriation to enable the Geological Survey to investigate the manufacture of lime—to the Committee on Appropriations.

By Mr. McHENRY: Petition of Milton (Pa.) Lodge, No. 913, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. McMILLAN: Petition of Pawling (N. Y.) Woman's Christian Temperance Union, favoring passage of the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. MARTIN: Petition of citizens of Pierre, S. Dak., against any tax on tea or coffee—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of National Lime Manufacturers' Association, for an appropriation to enable the Geological Survey to investigate lime—to the Committee on Appropriations.

Also, petition of Council of Jewish Women, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. NEEDHAM: Petition of citizens of Santa Cruz, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Santa Cruz (Cal.) Lodge, No. 824, and Fresno Lodge, No. 439, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, against the enactment of the Englebright bill, taking from the Secretary of the Interior the allot-

ment and distribution of the Reclamation Service—to the Committee on Irrigation of Arid Lands.

By Mr. NICHOLLS: Petition of Scranton (Pa.) Lodge, No. 123, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. NORRIS: Petition of business men of Trenton, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: Petition of Middletown (Pa.) Lodge, No. 1092, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. PARSONS: Petition of the National Board of Trade, asking the creation of a board of public works—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Board of Trade, opposing the discharge of sewage into rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of the New York Board of Trade and Transportation, favoring representation of United States at international exposition to be held at Brussels—to the Committee on Industrial Arts and Expositions.

By Mr. PUJO: Papers to accompany bill (H. R. 27504) granting an increase of pension to John Humphreys—to the Committee on Pensions.

By Mr. REID: Paper to accompany bill for relief of the heirs of Augustus W. Diehl—to the Committee on War Claims.

By Mr. ROBINSON: Paper to accompany bill for relief of Mont M. James (H. R. 21126)—to the Committee on Pensions.

By Mr. SPERRY: Resolutions of the Connecticut division of the Order of Railroad Telegraphers, favoring H. R. 15447—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of Childress (Tex.) Lodge, No. 1113, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SULZER: Petition of Trades and Labor Council of Fond du Lac, Wis., against S. 3926—to the Committee on Labor.

By Mr. TOWNSEND: Petition of Washington Lodge, No. 15, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. WANGER: Petition of Bristol (Pa.) Lodge, No. 970, and Norristown (Pa.) Lodge, No. 714, Benevolent and Protective Order of Elks, for legislation creating a reserve in the State of Wyoming for the care of the American elk—to the Committee on the Public Lands.

By Mr. WHEELER: Petition of Sharon (Pa.) Lodge, No. 103, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. WILEY: Petition of citizens of the Second Congressional District of Alabama, for retention of duty on lumber—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, February 24, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCUMBER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;" and

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama.

The message further announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 4548. An act to provide for the sale of timber on allotted Indian land, and for other purposes; and

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.